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International Court of Justice

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(Aggression against Belgium, Netherlands and Luxembourg).

ocument No. xhibit No.)	Date.	Description.	German Text.
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C.16)	1926	Arbitration Convention at the Hague. Germany and the Netherlands.	RGB. 1927 Pa. II, No. 8 S 31 - 39.
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2329-PS ( )	7 Oct 1939	OKW (Keitel) Directive.	
,62)	9 Oct 1939	OKW (Keitel) Directive	

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C.62 ( )	15 Oct 1939	OKW (Keitel) Directive.	
440-PS ( )	20 Nov 1939	OKW (Keitel) Directive.	
C.10 ( )	28 Nov 1939	OKW (Keitel) Directive.	
C.72 ( )	Nov-1939 to Jan 1940	Orders postponing "A" day in the West.	
TC.58A ( )	10 Jan 1940	German Air Force Order in German aeroplane which made forced landing in Belgium.	
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1809-PS ( )	1 Feb 1940) 2 Feb 1940) 5 Feb 1940) 26 Feb 1940) 3 Mar 1940) 8 May 1940)	Extracts from Jodl's Diary.	
TC.57 ( )	9 May 1940	German Memorandum to Belgium and the Netherlands.	D.d.d.P. Band VIII, 1, S 142 - 149.
TC.60 ( )	9 May 1940	German Memorandum to Luxembourg.	D.d.d.P. Band VIII, 1, S 150 - 151.
TC.59 ( )	10 May 1940	Protest from Belgium.	

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[1] Translation.

No. 1291 - TREATY OF MUTUAL GUARANTEE[2] BETWEEN GERMANY, BELGIUM, FRANCE, GREAT BRITAIN AND ITALY, DONE AT LOCARNO, OCTOBER 16, 1925.

Official text in French. This Treaty was registered with the Secretariat, in accordance with its Article 10, on September 14, 1926, the date of its entry into force.

The President of the German Reich, His Majesty the King of the Belgians, the President of the French Republic, His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India, His Majesty the King of Italy;

Anxious to satisfy the desire for security and protection which animates the peoples upon whom fell the scourge of the war of 1914-18;

Taking note of the abrogation of the treaties for the neutralisation of Belgium, and conscious of the necessity of ensuring peace in the area which has so frequently been the scene of European conflicts;

Animated also with the sincere desire of giving to all the signatory Powers concerned supplementary guarantees within the framework of the Covenant of the League of Nations and the treaties in force between them;

Have determined to conclude a treaty with these objects, and have appointed as their Plenipotentiaries:

The President of the German Empire:

Dr. Hans Luther, Chancellor of the Empire;
Dr. Gustav Stresemann, Minister for Foreign Affairs;

His Majesty the King of the Belgians:

M. Emile Vandervelde, Minister for Foreign Affairs;

The President of the French Republic:

M. Aristide Briand, Prime Minister and Minister for Foreign Affairs;

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[1] Communicated by His Britannic Majesty's Foreign Office.

[2] The ratifications were deposited at Geneva, September 14, 1926.

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His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India:

The Right Honourable Stanley Baldwin, M.P., First Lord of the Treasury and Prime Minister;

The Right Honourable Joseph Austen Chamberlain, M.P., Principal Secretary of State for Foreign Affairs;

His Majesty the King of Italy:

The Honourable Vittorio Scialoja, Senator of the Kingdom;

Who, having communicated their full powers, found in good and due form have agreed as follows:

Article 1.

The High Contracting Parties collectively and severally guarantee, in the manner provided in the following Articles, the maintenance of the territorial status quo resulting from the frontiers between Germany and Belgium and between Germany and France, and the inviolability of the said frontiers as fixed by or in pursuance of the Treaty of Peace signed at Versailles on June 28, 1919, and also the observance of the stipulations of Article 42 and 43 of the said Treaty concerning the demilitarised zone.

Article 2.

Germany and Belgium, and also Germany and France, mutually undertake that they will in no case attack or invade each other or resort to war against each other.

The stipulation shall not, however, apply in the case of:

(1) The exercise of the right of legitimate defence, that is to say, resistance to a violation of the undertaking contained in the previous paragraph or to a flagrant breach of Articles 42 or 43 of the said Treaty of Versailles, if such breach constitutes an unprovoked act of aggression and by reason of the assembly of armed forces in the demilitarised zone, immediate action is necessary;

(2) Action in pursuance of Article 16 of the Covenant of the League of Nations;

(3) Action as the result of a decision taken by the Assembly or by the Council of the League of Nations or in pursuance of Article 15, paragraph 7, of the Covenant of the League of Nations, provided that in this last event the action is directed against a State which was first to attack.

Article 3.

In view of the undertakings entered into in Article 2 of the present Treaty, Germany and Belgium, and Germany and France, undertake to settle by

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peaceful means and in the manner laid down herein all questions of every kind which may arise between them and which it may not be possible to settle by the normal methods of diplomacy:

Any question with regard to which the Parties are in conflict as to their respective rights shall be submitted to judicial decision, and the Parties undertake to comply with such decision.

All other questions shall be submitted to a conciliation commission. If the proposals of this commission are not accepted by the two Parties, the question shall be brought before the Council of the League of Nations, which will deal with it in accordance with Article 15 of the Covenant of the League.

The detailed arrangements for effecting such peaceful settlement are the subject of special Agreements signed this day.

Article 4.

(1) If one of the High Contracting Parties alleges that a violation of Article 2 of the present Treaty or a breach of Articles 42 or 43 of the Treaty of Versailles has been or is being committed, it shall bring the question at once before the Council of the League of Nations.

(2) As soon as the Council of the League of Nations is satisfied that such violation or breach has been committed, it will notify its finding without delay to the Powers signatory of the present Treaty, who severally agree that in such case they will each of them come immediately to the assistance of the Power against whom the act complained of is directed.

(3) In case of a flagrant violation of Article 2 of the present Treaty or of a flagrant breach of Articles 42 or 43 of the Treaty of Versailles by one of the High Contracting Parties, each of the other Contracting Parties hereby undertakes immediately to come to the help of the Party against whom such a violation or breach has been directed as soon as the said Power has been able to satisfy itself that this violation constitutes an unprovoked act of aggression and that by reason either of crossing of the frontier or of the outbreak of hostilities or of the assembly of armed forces in the demilitarised zone immediately action is necessary. Nevertheless, the Council of the League of Nations, which will be seized of the question in accordance with the first paragraph of this Article, will issue its findings, and the High Contracting Parties undertake to act in accordance with the recommendations of the Council, provided that they are concurred in by all the Members other than the representatives of the Parties which have engaged in hostilities.

Article 5.

The provisions of Article 3 of the present Treaty are placed under the guarantee of the High Contracting Parties as provided by the following stipulations:

If one of the Powers referred to in Article 3 refuses to submit a dispute to peaceful settlement or to comply with an arbitral or judicial decision and commits a violation of Article 2 of the present Treaty or a breach of Articles 42 or 43 of the Treaty of Versailles, the provisions of Article 4 of the present Treaty shall apply.

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Where one of the Powers referred to in Article 3, without committing a violation of Article 2 of the present Treaty or a breach of Articles 42 or 43 of the Treaty of Versailles, refuses to submit a dispute to peaceful settlement or to comply with an arbitral or judicial decision, the other Party shall bring the matter before the Council of the League of Nations, and the Council shall propose what steps shall be taken; the High Contracting Parties shall comply with these proposals.

Article 6.

The provisions of the present Treaty do not affect the rights and obligations of the High Contracting Parties under the Treaty of Versailles or under arrangements supplementary thereto, including the Agreements signed in London on August 30, 1924.[1]

Article 7.

The present Treaty, which is designed to ensure the maintenance of peace, and is in conformity with the Covenant of the League of Nations, shall not be interpreted as restricting the duty of the League to take whatever action may be deemed wise and effectual to safeguard the peace of the world.

Article 8.

The present Treaty shall be registered at the League of Nations in accordance with the Covenant of the League. It shall remain in force until the Council, acting on a request of one or other of the High Contracting Parties notified to the other signatory Powers three months in advance, and voting at least by a two-thirds' majority, decides that the League of Nations ensures sufficient protection to the High Contracting Parties; the Treaty shall cease to have effect on the expiration of a period of one year from such decision.

Article 9.

The present Treaty shall impose no obligation upon any of the British dominions, or upon India, unless the Government of such dominion, or of India, signifies its acceptance thereof.

Article 10.

The present Treaty shall be ratified and the ratifications shall be deposited at Geneva in the archives of the League of Nations as soon as possible.

It shall enter into force as soon as all the ratifications have been deposited and Germany has become a Member of the League of Nations.

The present Treaty, done in a single copy, will be deposited in the archives of the League of Nations, and the Secretary-General will be requested to transmit certified copies to each of the High Contracting Parties.

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[1] Vol. XXX, pages 63, 75, 89 and 97, of this Series.

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In faith whereof the above-mentioned Plenipotentiaries have signed the present Treaty.

Done at Locarno, October 16, 1925.

(L.S.) (Signed) Hans Luther.
(L.S.) (Signed) Gustav Stresemann.
(L.S.) (Signed) Emile Vandervelde.
(L.S.) (Signed) Aristide Briand.
(L.S.) (Signed) Stanley Baldwin.
(L.S.) (Signed) Austen Chamberlain.
(L.S.) (Signed) Vittorio Scialoja.

FINAL PROTOCOL OF THE LOCARNO CONFERENCE.

The representatives of the German, Belgian, British, French, Italian, Polish and Czechoslovak Governments, who have met at Locarno from October 5 to 16, 1925, in order to seek by common agreement means for preserving their respective nations from the scourge of war and for providing for the peaceful settlement of disputes of every nature which might eventually arise between them,

Have given their approval to the draft Treaties and Conventions which respectively affect them and which, framed in the course of the present Conference, are mutually interdependent:

Treaty[1] between Germany, Belgium, France, Great Britain and Italy (Annex A).

Arbitration[1] Convention between Germany and Belgium (Annex B).
Arbitration[1] Convention between Germany and France (Annex C).
Arbitration[1] Treaty between Germany and Poland (Annex D).
Arbitration[1] Treaty between Germany and Czechoslovakia (Annex E).

These instruments, hereby initialled ne varietur, will bear to-day's date, the representatives of the interested Parties agreeing to meet in London on December 1 next, to proceed during the course of a single meeting to the formality of the signature of the instruments which affect them.

The Minister for Foreign Affairs of France states that as a result of the draft arbitration treaties mentioned above, France, Poland and Czechoslovakia have also concluded at Locarno draft agreements in order reciprocally to assure to themselves the benefit of the said treaties. These agreements will be duly deposited at the League of Nations, but M. Briand holds copies forthwith at the disposal of the Powers represented here.

The Secretary of State for Foreign Affairs of Great Britain proposes that, in reply to certain requests for explanations concerning Article 16 of the Covenant of the League of Nations presented by the Chancellor and the Minister for Foreign Affairs of Germany, a letter, of which the draft

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[1]See International Engagements Nos. 1291 to 1298, of this Volume.

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is similarly attached (Annex F) should be addressed to them at the same time as the formality of signature of the above-mentioned instruments takes place. This proposal is agreed to.

The representatives of the Governments represented here declare their firm conviction that the entry into force of these treaties and conventions will contribute greatly in bringing about a moral relaxation of the tension between nations, that it will help powerfully towards the solution of many political or economic problems in accordance with the interests and sentiments of peoples, and that, in strengthening peace and security in Europe, it will hasten on effectively the disarmament provided for in Article 8 of the Covenant of the League of Nations.

They undertake to give their sincere co-operation to the work relating to disarmament already undertaken by the League of Nations and to seek the realisation thereof in a general agreement.

Done at Locarno, October 16, 1925.

Dr. Luther.
Stresemann,
Emile Vandervelde.
Aristide Briand.
Austen Chamberlain.
Benito Mussolini.
Al. Skrzynski.
Eduard Benes.

[1]TRANSLATION.

COLLECTIVE NOTE TO GERMANY REGARDING ARTICLE 16 OF THE COVENANT OF THE LEAGUE OF NATIONS.

Your Excellencies,

London, December 1, 1926.

The German Delegation has requested certain explanations in regard to Article 16 of the Covenant of the League of Nations.

We are not in a position to speak in the name of the League, but in view of the discussions which have already taken place in the Assembly and in the Commissions of the League of Nations, and after the explanations which have been exchanged between ourselves, we do not hesitate to inform you of the interpretation which, in so far as we are concerned, we place upon Article 16.

In accordance with that interpretation, the obligations resulting from the said Article on the Members of the League must be understood to mean that each State Member of the League is bound to co-operate loyally and effectively in support of the Covenant and in resistance to any act of aggression to an extent which is compatible with its military situation

[1]Communicated by His Brittanic Majesty's Foreign Office.

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and which takes its geographical position into account.

We have the honour, etc.

Emile Vandervelde.
Aristide Briand.
Stanley Baldwin.
Austen Chamberlain.
Vittorio Scialoja.
Alexandre Skrzynski.
Dr. Eduard Benes.

Exhibit U.S. 97
Filed Dec. 7, 1945

TC 16

[1] Translation

No. 1527 - CONVENTION OF ARBITRATION AND CONCILIATION BETWEEN GERMANY AND THE NETHERLANDS. SIGNED AT THE HAGUE, MAY 20, 1926.

THE KINGDOM of the Netherlands and the GERMAN REICH, being desirous of promoting the development of the procedure for the pacific settlement of international disputes, have agreed to conclude a General Arbitration and Conciliation Convention, and have for this purpose appointed as their Plenipotentiaries:

HER MAJESTY THE QUEEN OF THE NETHERLANDS:
His Excellency Jonkheer H.A. VAN KARNEBEEK, Minister for Foreign Affairs;

THE PRESIDENT OF THE GERMAN REICH:
Baron H. LUCIUS VON STOEDTEN, Envoy Extraordinary and Minister Plenipotentiary of the German Reich at the Hague,

Who, after having communicated to each other their full powers, found in good and due form, have agreed as follows:

Article 1.

The Contracting Parties undertake to submit all disputes of any nature whatever which may arise between them, which it has not been possible to settle within a reasonable period by diplomacy, and which have not been referred by mutual agreement to the Permanent Court of International Justice, to be dealt with by arbitration or conciliation, as provided in the present Convention.

Disputes for the solution of which a special procedure has been laid down in other conventions in force between the Contracting Parties shall be settled in accordance with the provisions of such conventions.

Article 2.

At the request of one of the Parties, disputes regarding points of law, and especially the following subjects, unless otherwise provided for in Article 3, shall be submitted to arbitration:

(1) The contents, interpretation and application of any treaty concluded between the two parties;

(2) Any question of international law;

(3) The existence of any fact which, if established, would constitute a breach of an international obligation;

(4) The extent and nature of the reparation to be made in the case of a breach of such obligation.

In case of disagreement as to whether the dispute falls under one of the above categories, this prior question shall be referred to arbitration.

1. Translated by the Secretariat of the League of Nations.

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Article 3

In regard to questions which, under the National laws of the Party against which a demand has been formulated, are within the competence of judicial authorities, including administrative tribunals, the defendant Party may require that the dispute shall not be submitted to arbitral award until a final decision has been pronounced by these judicial authorities and that the matter shall be brought before this Tribunal not later than six months after the date of such decision. The above provisions shall not apply if justice has been refused and if the matter has been brought before the courts of appeal provided for by law.

In the case of disputes regarding the application of the preceding provision, the Arbitral Tribunal shall decide.

Article 4.

The Tribunal shall base its decision on:

(1) The conventions, whether general or particular, in force between the parties, and the principles of law arising therefrom;

(2) International custom as evidence of a general practice accepted as law;

(3) The general principles of law recognised by civilised nations;

(4) The precedents laid down in recognised doctrine and legal practice as an auxiliary factor in the establishment of rules of law.

If both Parties agree, the Tribunal may, instead of basing its decision on legal principles, give an award in accordance with considerations of equity.

Article 5.

In the absence of agreement to the contrary between the Parties in each particular case, the Tribunal shall be constituted as follows:

The judges shall be chosen from the list of members of the Permanent Court of Arbitration established by the Hague Convention, dated October 18, 1907, for the Pacific Settlement of International Disputes.

Each Party shall appoint its own arbitrator. The Parties shall jointly nominate three other arbitrators, one of whom shall be the umpire. If, after having been appointed, one of the judges jointly elected acquires the nationality of one of the parties, appoints his domicile in its territory or enters its service, either of the Parties may demand that he be replaced. Any disputes which may arise as to whether any one of these conditions exists shall be settled by the other four judges; The eldest of the judges jointly elected shall take the chair in these cases, and, if the votes are equally divided, he shall give a casting vote.

For each individual dispute there shall be a fresh election of judges. The Contracting Parties, however, reserve the right to act in concert, so that, for a certain class of dispute arising within a fixed period, the same judges shall sit in the Tribunal.

In case of the death of members of the Tribunal, or of their retirement for any reason whatever, they shall be replaced according to the manner determined for their appointment.

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Article 6.

In each individual case the Contracting Parties shall, in pursuance of the present Treaty, draw up a special agreement (Schiedsordnung), to determine the subject of the dispute, any special terms of reference which may be accorded to the Tribunal, its composition, the place where it shall meet, the amount that each Party concerned shall be obliged to deposit in advance to cover expenses, the rules to be observed with regard to the form and limits of the proceedings, and any other detail that may be considered necessary.

Any disputes arising out of the terms of the special agreement shall, subject to the terms of Article 7, be settled by the Arbitral Tribunal.

Article 7.

If the special agreement has not been drawn up within a period of six months after one Party concerned has notified the other of its intention to refer the dispute to arbitration, either Party may request the Permanent Board of Conciliation provided for under Article 13, to establish the special agreement. The Permanent Board of Conciliation shall, within two months after having been convened, settle the terms of the special agreement, the subject of the dispute being determined on the basis of the statements submitted by the Parties.

The same procedure shall apply when one Party has not nominated the arbitrator for whose appointment it is responsible, or when the Parties concerned cannot agree upon the choice of the judges to be appointed jointly or of the umpire.

Pending the constitution of the Tribunal, the Permanent Board of Conciliation shall also be competent to decide an y other dispute relating to the special agreement.

Article 8.

The award of the Tribunal shall be given by a majority vote.

Article 9.

The arbitration award shall specify the manner in which it is to be carried out, especially as regards the time-limits to be observed.

If in an arbitration award it is proved that a decision or measure of a Court of Law or other authority of one of the Parties is wholly or in part contrary to international law, and if the constitutional law of that party does not permit, or only partially permits, the consequesnces of the decision or measure in question to be annulled by administrative measures, the arbitration award shall give the injured Party equitable satisfaction of another kind.

Article 10

Subject to any provision to the contrary in the special agreement, either Party may claim a revision of the award by the Tribunal which gave the award. This demand may only be based on the discovery of a fact, which might have exercised a decisive influence on the award, and which at the time of the close of the proceedings, was unknown to the Tribunal itself and, through no fault of its own, to the Party demanding the revision.

If, for any reason, any members of the Tribunal do not take part in the revision proceedings, substitutes for them shall be appointed in the manner determined for their own appointment.

The limit of time within which the demand provided for in the first paragraph may be presented shall be fixed in the arbitral award, unless it has already been fixed in the special agreement.

Article 11.

Any dispute arising between the Parties concerned as to the interpretation and execution of the award shall, in the absence of an agreement to the contrary, be summitted to the Tribunal which pronounced it. In the latter case, the provision contained in Article 10, paragraph 2, shall also apply, mutatis mutandis.

Article 12.

Any dispute which, under the terms of the present Convention, cannot be referred to arbitration, and cannot, by consent of both Parties, be settled peacefully by any other means shall, at the request of either of the Parties concerned, be submitted to the procedure of conciliation.

If the opposing Party claims that a dispute, for which conciliation procedure has been initiated, should be settled by the Permanent Court of International Justice or by the Arbitration Tribunal or by any other special procedure as provided by Article 1, paragraph 2, the body, whose jurisdiction is claimed, shall first pronounce judgment upon this prior question.

The Governments of the Contracting Parties shall be entitled to agree that a dispute which, under the terms of the present Convention, can be settled by the Permanent Court of International Justice or by an Arbitration Tribunal, shall be submitted to the conciliation procedure, either without appeal or subject to appeal to the Permanent Court of International Justice or to an Arbitration Tribunal.

Article 3.

A Permanent Board of Conciliation shall be constituted for the procedure of conciliation.

The Permanent Board of Conciliation shall consist of five members. The Contracting Parties shall each appoint one member of their own choice and shall nominate the three other members by common agreement.

These three members shall not be nationals of the Contracting Parties States, nor be resident in their territory, nor be nor have been in their service. The Contracting Parties shall jointly elect the Chairman from among these three members.

Either of the Contracting Parties shall have the right, at any time, unless a procedure is pending or has been proposed by one of the Parties, to recall the member appointed by it and to appoint a successor. Similarly, either Contracting Party shall also be entitled to withdraw its consent to the appointment of each of the three members jointly. In this case a noww member must be appointed by joint agreement without delay.

Within two weeks from the date when one of the Contracting Parties has referred a dispute to the Permanent Board of Conciliation, either Party may, for the purpose of this particular dispute, replace its member by a person possessing expert knowledge of the question at issue. The Party exercising this right shall immediately inform the other Party; the latter shall in that case be entitled to take similar action within two weeks after receipt of such notice.

The Permanent Board of Conci iation shall be constituted within the six months following the exchange of the instruments of ratification of the present Convention. Retiring members shall be replaced as soon as possible in the manner laid down for the first election.

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Article 13 (Contd.)

If the nomination of the members to be appointed jointly has not taken place within the six months following the exchange of the instruments of ratification, or, in the case of a vacancy on the Permanent Board of Conciliation, within three months of the date on which the vacancy occurred, in the absence of any other agreement, the President of the Swiss Confederation shall be invited to make the necessary appointment.

Article 14.

The Permanent Board of Conciliation shall enter upon its duties as soon as a dispute has been referred to it by either of the Parties. Such Party shall communicate its request simultaneously to the Chairman of the Permanent Board of Conciliation and to the other Party. The Chairman shall summon the Permanent Board of Conciliation to meet at the earliest possible moment.

The Contracting Parties undertake in all cases and in all respects to assist the Permanent Board of Conciliation in its work and, in particular, to grant it all legal assistance through the competent authorities. They shall take all necessary measures to enable the Permanent Board of Conciliation to summon and examine witnesses and experts and to proceed to investigations on the spot in their respective territories. The Board may take evidence either in pleno or through one or more of the members appointed jointly.

Article 15.

The Permanent Board of Conciliation shall determine its own meeting-place and shall be at liberty to transfer it.

The Permanent Board of Conciliation shall if need be establish a registry. If it appoints nationals of the Contracting Parties to positions in this office, it shall treat both Parties as on an equal footing.

Article 16.

The deliberations of the Permanent Board of Conciliation shall be valid if all members have been duly convoked and if at least the members nominated jointly are present at the meeting.

The decisions of the Permanent Board of Conciliation shall be taken by a majority vote. If the votes are equally divided, the Chairman shall give a casting vote.

Article 17.

The Permanent Board of Conciliation shall draw up a report which shall set out the facts of the case, and shall, unless it may seem undesirable in the particular circumstances of the case, contain proposals for the settlement of the dispute.

The report shall be submitted tothin six months from the date on which the dispute was laid before the Permanent Board of Conciliation, unless the Parties agree to extend this time-limit, or, before the Permanent Board of Conciliation has met, agree to shorten it. In addition, the Permanent Board of Conciliation shall have the right to extend this time-limit once for a period not exceeding six months. The report shall be drawn up in three copies, one of which shall be handed to each of the Parties, and the third preserved in the archives of the Permanent Board of Conciliation.

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Article 17 (Contd.)

The report shall not, either as regards statements of fact or as regards legal considerations, have the force of a final judgment binding upon the Parties. When submitting its report, the Permanent Board of Conciliation may call upon the Parties to state within a time-limit to be fixed by the report, whether and, to what extent, they recognise the correctness of the findings in the report and accept the proposals which it contains.

The Parties shall jointly decide whether the report should be published immediately. If they fail to reach an agreement on this point the Permanent Board of Conciliation may have the report published immediately should there be special reasons for so doing.

Article 18.

Each Party shall bear the cost of the remuneration of the member of the Permanent Board of Conciliation appointed by itself, and half the cost of the emoluments of the members jointly appointed.

Each Party shall bear the costs for which it is directly responsible in connection with the proceedings and half of the costs which the Permanent Board of Conciliation declares to be common to both Parties.

Article 19.

The award pronounced as the result of the procedure of arbitration shall be carried out in good faith by the Parties concerned.

The Contracting Parties shall undertake, during the course of the arbitration or conciliation proceedings, to refrain as far as possible from any action liable to have a prejudicial effect on the execution of the arbitral award or on the acceptance of the proposals of the Permanent Board of Conciliation. In the case of conciliation proceedings, they shall refrain from resorting to forcible measures of any kind until the expiration of the time-limit fixed by the Permanent Board of Conciliation for the acceptance its proposals, or in the absence of such time-limit, until the report has been presented.

The Arbitral Tribunal may, at the request of either of the Parties, prescribe measures of precaution, provided that such measures can be carried out by the Parties through their administrative machinery; the Permanent Board of Conciliation may also make proposals for the same prupose.

Article 20.

Subject to any provisions to the contrary laid down in the present Convention, or the special agreement, the procedure of arbitration and conciliation shall be regulated by the Hague Convention of October 18, 1907, for the Pacific Settlement of International Disputes.

In so far as the present Convention refers to the stipulations of the Hague Convention, the latter shall be applicable to the relations between the Contracting Parties, even if one or both of them denounce the Hague Convention.

In so far as neither the present Convention, nor the special agreement, nor any other conventions in force between the Parties lay down the time-limits and other details connected with the procedure of arbitration or conciliation, the Tribunal or the Permanent Board of Conciliation shall itself be competent to decide as to the necessary provisions.

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Article 21.

The present Convention shall be ratified as soon as possible. The instruments of ratification shall be exchanged at Berlin.

The Convention shall come into force one month after the exchange of instruments of ratification.

The Convention shall be valid for a period of ten years. If, however, it is not denounced six months before the expiration of this period, it shall remain in force for a further period of five years, and shall be similarly renewed so long as it has not been denounced within the prescribed period.

If a dispute which has been referred to arbitration or conciliation has not been settled when the present Convention expires, the case shall be proceeded with according to the stipulations of the present Convention or of any other Convention which the Contracting Parties may agree to substitute therefor.

In witness whereof, the Plenipotentiaries have signed the present Convention.

Done in duplicate in Dutch and German at The Hague, May 20, 1926.

v. Karnebeek

No. 1527.

v. Lucius

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FINAL PROTOCOL

of the Convention of Arbitration and Conciliation between the Netherlands and Germany.

1. The Contracting Parties are agreed that in doubtfull cases the stipulations of the present of the present Convention shall be interpreted in favour of the application of the principle of settlement of disputes by arbitration.

2. The Contracting Parties declare that the Convention shall also apply to disputes arising out of events which occurred prior to its conclusion. In consideration of their general political bearing, an exception shall, however, be made with regard to disputes arising directly out of the world-war.

3. The Convention shall not cease to be applicable for the reason that a third State is concerned in a dispute. The Contracting Parties shall endeavour, if necessary, to induce the third State to agree to refer the dispute to arbitration or conciliation. In this case the two Governments may, if they so desire, jointly provide that the Tribunal or the Permanent Board of Conciliation shall be composed of members specially chosen for the case. If no agreement is reached with the third State as regards its accession within a reasonable period, the case shall proceed in accordance with the provisions of the Convention, but with effect only as regards the Contracting Parties.

4. In the event of Germany adhering to the Permanent Court of International Justice at The Hague, or becoming a member of the League of Nations, legal disputes in respect of which the Parties cannot agree whether they should be referred to the Permanent Court of International Justice or to an Arbitration Tribunal, may, at the request of one Party within one month after the other Party has been notified, be referred directly to the Permanent Court of International Justice. This provision shall also apply, if a general treaty of arbitration containing a corresponding clause should come into force between Germany and a third Power.

THE HAGUE, May 20, 1926

v. KARNEBEEK

v. LUCIUS

H1153-0019

REICHSGESETZBLATT 1929, Part II.

No. 9 (pp 97-101).

The Kellog-Briand Pact

The President of the German Reich, the President of the United States of America, His Majesty the King of the Belgians, the President of the French Republic, His Majesty the King of Great Britain, Ireland and the British Dominions beyond the Seas, Emperor of India, His Majesty the King of Italy, His Majesty the Emperor of Japan, the President of the Republic of Poland, and President of the Czechoslovak Republic,

Deeply sensible of their solemn duty to promote the welfare of manking;

Persuaded that the time has come when a frank renunciation of war as an instrument of national policy should be made to the end that the peaceful and friendly relations now existing between their peoples may be perpetuated;

Convinced that all changes in their relations with one another should be sought only by pacific means and be the result of a peaceful and orderly process, and that any signatory Power which shall hereafter seek to promote its national interests by resort to war should be denied the benefits furnished by this Treaty;

Hopeful that, encourages by their example, all the other nations of the world will join in this humane endeavour and by adhering to the present Treaty as soon as it comes into force bring their peoples within the scope of its beneficient provisions, thus uniting the civilized nations of the world in a common renunciation of war as an instrument of their national policy;

Have decided to conclude a Treaty and for that purpose have appointed as their respective Plenipotentiaries:

The President of the German Reich:

Dr. Gustav Stresemann, Minister for Foreign Affairs;

The President of the United States of America:

The Honorable Frank B Kellogg, Secretary of State;

His Majesty the King of the Belgians:

Mr. Paul Hymans, Minister for Foreign Affairs, Minister of State;

The President of the French Republic:

Mr. Aristide Briand, Minister for Foreign Affairs;

H1153-0020

His Majesty the King of Great Britain, Ireland and the British Dominions beyond the Seas, Emperor of India:

For Great Britain and Northern Ireland and all parts of the British Empire which are not separate Members of the League of Nations:

The Right Honourable Lord Cushendun, Chancellor of the Duchy of Lancaster, Acting Secretary of State for Foreign Affairs;

For the Dominion of Canada:

The Right Honourable William Lyon Mackenzie King, Prime Minister and Minister for External Affairs;

For the Commonwealth of Australia:

The Honourable Alexander John McLachlan, Member of the Executive Federal Council;

For the Dominion of New Zealand:

The Honourable Sir Christopher James Parr, High Commissioner for New Zealand in Great Britain;

For the Union of South Africa:

The Honourable Jacobus Stephanus Smit, High Commissioner for the Union of South Africa in Great Britain;

For the Irish Free State:

Mr. William Thomas Cosgrave, President of the Executive Council;

For India:

The Right Honourable Lord Cushendun, Chancellor of the Duchy of Lancaster, acting Secretary of State for Foreign Affairs;

His Majesty the King of Italy:

Count Gaetano Manzoni, his Ambassador Extraordinary and Plenipotentiary at Paris.

His Majesty the Emperor of Japan:

Count Uchida, Privy Councillor;

The President of the Republic of Poland:

Mr. A. Zaleski, Minister for Foreign Affairs;

The President of the Czechoslovak Republic:

Dr. Eduard Benès, Minister for Foreign Affairs;

who, having communicated to one another their full powers found in good and due form have agreed upon the following articles.

H1153-0021

Article I.

The High Contracting Parties solemnly declare in the names of their respective peoples that they condemn recourse to war for the solution of international controversies, and renounce it as an instrument of national policy in their relations with one another.

Article II.

The High Contracting Parties agree that the settlement or solution of all disputes or conflicts of whatever nature or of whatever origin they may be, which may arise among them, shall never be sought except by pacific means.

Article III.

The present Treaty shall be ratified by the High Contracting Parties named in the Preamble in accordance with their respective constitutional requirements, and shall take effect as between them as soon as all their several instruments of ratification shall have been deposited at Washington.

This Treaty shall, when it has come into effect as prescribed in the preceding paragraph, remain open as long as may be necessary for adherence by all the other Powers of the world. Every instrument evidencing the adherence of a Power shall be deposited at Washington and the Treaty shall immediately upon such deposit become effective as between the Power thus adhering and the other Powers parties hereto.

It shall be the duty of the Government of the United States to furnish each Government named in the Preamble and every Government subsequently adhering to this Treaty with a certified copy of the Treaty and of every instrument of ratification or adherence. It shall also be the duty of the Government of the United States telegraphically to notify such Governments immediately upon the deposit with it of each instrument of ratification or adherence.

In faith whereof the respective Plenipotentiaries have signed this Treaty in the French and English languages both texts having equal force, and hereunto affix their seals.

Done at Paris, the twenty-seventh day of August in the year one thousand nine hundred and twenty-eight.

(Seal.) Gustav Stresemann
(Seal) Frank B. Kellogg
(Seal) Paul Hymans
(Seal) Ari Briand
(Seal) Cushenden
(Seal) W. L. Mackenzie King
(Seal) A. J. McLachlan
(Seal) C. J. Parr
(Seal) J. S. Smit
(Seal) Liam T. MacCosgair
(Seal) Cushenden
(Seal) G. Manzoni
(Seal) Uchida
(Seal) August Zaleski
(Seal) Dr. Eduard Benes

Exhibit G.B. 98
Filed Dec. 7, 1945

TC 20.

[1] Translation.

No. 2715 - TREATY OF ARBITRATION AND CONCILIATION, BETWEEN GERMANY AND LUXEMBURG. SIGNED AT GENEVA, SEPTEMBER 11, 1929.

Her Royal Highness the Grand Duchess of Luxemburg and the President of the German Reich,

Being desirous of consolidating and developing the peaceful and friendly relations existing between the two countries and of ensuring the pacific settlement of any disputes which may arise between them,

Have decided to conclude a Treaty of Arbitration and Conciliation and have appointed as their Plenipotentiaries for this purpose:

Her Royal Highness the Grand Duchess of Luxemburg:

M. Joseph Bech, Minister of State, President of the Government;

The President of the German Reich:

Dr. Stresemann, Minister for Foreign Affairs;

Who, having communicated to each other their full powers, found in good and due form, have agreed as follows:

Article I.

The Contracting Parties undertake to settle by peaceful means, as provided in the present Treaty, all disputes of any nature whatever which may arise between them and which it may not be possible to settle by diplomacy.

The present Treaty shall also apply to any dispute arising out of events prior to its conclusion. Nevertheless, disputes relating to events of the World War shall be excluded from the present Treaty.

Disputes for the settlement of which a special procedure is or may hereafter be laid down, in other Conventions in force between the Contracting Parties shall be settled in conformity with the provisions of those Conventions.

Article II.

Any dispute which, according to the municipal law of either Contracting Party, is within the competence of its own courts, shall not be

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[1] Translated by the Secretariat of the League of Nations, for information.

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submitted to the procedure provided in the present Treaty until judgment has been rendered within a reasonable time by the competent judicial authorities of the country and has acquired force of law.

Article III.

Any disputes between the Contracting Parties concerning a right, and especially disputes belonging to the categories mentioned in Article 13 of the Covenant of the League of Nations, shall be submitted to the Permanent Court of International Justice.

The Contracting Parties shall submit the dispute to the Permanent Court of International Justice jointly, by means of a special agreement concluded in each individual case. In the event of disagreement, either Party shall be entitled, after giving two months' notice to the other Party, to bring the dispute before the Permanent Court of International Justice direct by means of an application.

Article IV.

The Contracting Parties reserve the right of agree, in any individual case, that the dispute in question shall not be submitted to the Permanent Court of International Justice, but to a special Arbitral Tribunal. This decision shall be based on the conclusion of a special arbitration agreement which shall determine the subject of the dispute, any special powers which may be accorded to the Tribunal, its composition and place of meeting, the sum to be deposited by each Party as provision for costs, the rules to be observed in respect of the form and time-limit of the proceedings, and any other details which may be considered necessary.

Any disputes with regard to the interpretation of the arbitration agreement shall be settled by the Arbitral Tribunal.

Article V.

The Permanent Court of International Justice or the Arbitral Tribunal shall base its decision on:

(1) The conventions, whether general or particular, in force between the Parties and the principles of law arising therefrom;

(2) International customs as evidence of a general practice accepted as law;

(3) The general principles of law recognised by civilised nations.

In any case in which the aforementioned legal bases are insufficient, the Arbitral Tribunal shall decide according to the legal principles which, in its opinion, should constitute the rules of international law. It shall follow recognised doctrine and legal practice in the matter.

If both Parties agree, the Tribunal may, instead of basing its decision on legal principles, give an award in accordance with considerations of equity.

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Article VI.

Before being submitted to the Permanent Court of International Justice, or to any arbitration procedure, the dispute may, by mutual agreement between the Parties, be referred for amicable settlement to a permanent international commission called the "Permanent Conciliation Commission", which shall be constituted in accordance with the present Treaty.

Article VII.

The Permanent Conciliation Commission provided for in Article VI shall consist of five members appointed as follows: The Contracting Parties shall each nominate one member from among their respective nationals and shall elect the three remaining members by mutual agreement from among the nationals of other Powers. These three members must be of different nationalities and the Contracting Parties shall appoint the President of the Commission from among them.

The members of the Permanent Conciliation Commission shall be appointed for five years and shall be eligible for re-appointment. They shall retain their functions until they have been replaced, and in any case until the completion of the work in progress at the time of the expiry of their term of office.

Any vacancies which may occur through death, resignation, or any other cause, shall be filled within the shortest possible time according to the procedure laid down for appointment.

Article VIII.

The Permanent Conciliation Commission shall be constituted within three months after the present Treaty has come into force.

If the nomination of the members to be appointed jointly has not taken place within the said time-limit, or, in case of replacement, within three months from the date on which the vacancy occurs, the President of the Swiss Confederation shall, in the absence of any other agreement, be invited to make the necessary appointments.

Article IX.

The Permanent Conciliation Commission shall enter upon its duties on receipt of an application addressed to the President by both Parties in mutual agreement, or, in the absence of such agreement, by one of the Parties.

The application shall contain a brief statement of the subject of the dispute and a request to the Commission to take all suitable measures with a view to bringing about an amicable settlement.

If one of the Parties submits an application, it shall immediately notify the other Party.

Article X.

Within two months from the date when one of the Contracting Parties has referred a dispute to the Permanent Conciliation Commission, either Party may, for the purpose of this particular dispute, replace its member by a person possessing expert knowledge of the question at issue.

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The Party exercising this right shall immediately inform the other Party; the latter shall in that case be entitled to take similar action within two weeks after the receipt of such notice.

Article XI.

It shall be the task of the Permanent Conciliation Commission to elucidate the question in dispute and to obtain for this purpose all relevant information either by investigation or otherwise, and to endeavour to bring about an amicable settlement between the Parties. The Commission may, after examining the case, communicate to the Parties the conditions of settlement which it deems suitable and request them to submit their observations thereon within a specified time-limit.

On the conclusion of its work the Commission shall draw up a report which shall, according to the circumstances of the case, state either that the parties have come to an agreement and, if necessary, the conditions of such agreement, or that it has not been possible to effect a settlement between the Parties.

The work of the Commission must, unless the Parties agree otherwise, be completed within six months from the date on which the dispute was submitted to it.

Article XII.

Unless there is a special agreement to the contrary, the Permanent Conciliation Commission shall lay down its own procedure, which shall in any case provide for both Parties being heard. As regards enquiries, the Commission shall, unless it unanimously decides otherwise, conform to the provisions of Chapter III (International Commissions of Enquiry) of The Hague Convention of October 18, 1907, for the Pacific Settlement of International Disputes.

Article XIII.

The Permanent Conciliation Commission shall, unless the Parties decide otherwise, meet at the place chosen by its President.

Article XIV.

The proceedings of the Permanent Conciliation Commission shall not be public unless the Commission so decides with the agreement of the Parties.

Article XV.

The parties shall be represented before the Permanent Conciliation Commission by agents, who shall act as intermediaries between them and the Commission; they may also be assisted by counsel and experts whom they shall appoint for the purpose, and may ask that any person whose evidence may seem to them useful, shall be heard.

The Commission shall, for its part, be entitled to obtain verbal explanations from the agents, counsel and experts of both Parties and from any persons whom it may consider useful to summon, with the consent of their respective Governments.

H1153-0026

Article XVI.

The proceedings of the Permanent Conciliation Commission shall be valid if all the members have been duly convened and if at least the members nominated jointly are present.

The decisions of the Permanent Conciliation Commission shall be taken by a majority vote. If the votes are equally divided, the Chairman shall have a casting vote.

Article XVII.

The Contracting Parties undertake to assist the Permanent Conciliation in its work and, in particular, to furnish it, as far as possible, with all useful documents and information, and to use all the means at their disposal to enable it, in their respective territories and according to their respective laws, to summon and hear witnesses and experts and to proceed to investigations on the spot.

Article XVIII.

For the duration of the work of the Permanent Conciliation Commission each of the members appointed jointly shall receive emoluments, the amount of which shall be fixed by mutual agreement between the Contracting Parties, who shall each contribute one half thereof. The costs arising out of the proceedings of the Commission shall be shared in a similar manner.

Article XIX.

All disputes other than those mentioned in Article III shall, on the proposal of either Party, be submitted to the Permanent Conciliation Commission according to the procedure laid down in the foregoing Articles.

Article XX.

In the case of disagreement with regard to the nature of the dispute, this preliminary question shall, if no other procedure is agreed upon, be submitted to the Permanent Court of International Justice for a summary decision.

Article XXI.

In all cases, particularly when the dispute between the Parties arises from events which have already taken place or are about to take place, the Permanent Cilciliation Commission or the arbitral tribunal or the Permanent Court of International Justice in accordance with Article 41 of its Statute, as the case may be, shall, as soon as possible, give instructions as to what provisional measures shall be taken. The Contracting Parties undertake to observe these instructions and to refrain from any measures which may have effects prejudicial to the decision or to the settlement proposed by the Permanent Conciliation Commission, and in general to avoid any act liable to aggravate or extend the dispute.

Article XXII.

The present Treaty shall be valid as between the High Contracting Parties even if other Powers are concerned in the dispute.

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Article XXIII.

The present Treaty shall be ratified.

It shall come into force on the date of the exchange of the instruments of ratification, which shall take place in Luxemburg. It shall be valid for a period of ten years. If, however, it is not denounced six months before the expiration of this period, it shall remain in force for a further period of five years, and similarly thereafter.

If at the time when the Treaty expires any proceedings in virtue of the present Treaty are pending before the Permanent Conciliation Commission, the Permanent Court of International Justice or an arbitral tribunal, the Treaty shall remain in force in respect of the dispute in question, until a definite settlement has been reached.

In faith whereof the Plenipotentiaries have signed the present Treaty.

Done in duplicate at Geneva, in German, September 11, 1929.

(signed) BECH.

(signed) STRESEMANN.

PROTOCOL.

The following provision has been decided upon with regard to the interpretation of Article I paragraph 2 of the Treaty of Arbitration and Conciliation signed this day between the Grand Duchy of Luxemburg and the German Reich.

The Disputes referred to in the second sentence of paragraph 2 of Article I as disputes to which the present Treaty shall not apply shall include all mutual claims relating to railways (final paragraph of the Additional Protocol of August 22, 1927, to the Protocol of October 30, 1925).

GENEVA, September 11, 1929.

(signed) BECH.

(signed) STRESEMANN.

Exhibit G.B. 99
Filed Dec. 7, 1945

TC 33
TC 35

[English Translation]

ASSURANCE TO THE NETHERLANDS & BELGIUM, 30 JANUARY 1937

As for the rest, I have more than once expressed the desire and the hope to enter into similar good and cordial relations with all our neighbours.

Germany has - and here I repeat this solemnly - given the assurance time and again, that, for instance, between her and France there cannot be any humanly conceivable points of controversy. The German Government has further given the assurance to Belgium and Holland that it is prepared to recognise and to guarantee the inviolability and neutrality of these territories.

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Exhibit G.B. 100
Filed Dec. 7, 1945

T C 34

Appendix 4

GERMAN DECLARATION OF OCTOBER 13TH, 1937.

Monsieur le Ministre,

I have the honour on behalf of the German Government, to make the following communication to your Excellency:

The German Government has taken cognizance, with particular interest, of the public declarations in which the Belgian Government defines the international position of Belgium. For its part, it has repeatedly given expression, especially through the declaration of the Chancellor of the German Reich in his speech of January 30th, 1937 to its own point of view.

The German Government has also taken cognizance of the declaration made by the British and French Governments on April 24th, 1937.

Since the conclusion of a treaty to replace the Treaty of Locarno may still take some time, and being desirous of strengthening the peaceful aspirations of the two countries, the German Government regards it as appropriate to define now its own attitude towards Belgium.

To this end it makes the following declaration:

(1) The German Government has taken note of the views which the Belgian Government has thought fit to express; that is to say:

(a) Of the policy of independence which it intends to exercise in full sovereignty;

(b) Of its determination to defend the frontiers of Belgium with all its forces against any aggression or invasion, and to prevent Belgian territory from being used, for purposes of aggression against another State, as a passage or as a base of operations by land, by sea, or in the air; and to organize the defence of Belgium in an efficient manner for this purpose.

(2) The German Government considers that the inviolability and integrity of Belgium are common interests of the Western Powers. It confirms its determination that in no circumstances will it impair this inviolability and integrity, and that it will at all times respect Belgian territory, except, of course, in the event of Belgium's taking part in a military action directed against Germany in an armed conflict in which Germany is involved.

(3) The German Government, like the British and French Governments, is prepared to assist Belgium should she be subjected to an attack or to invasion.

I have the honour, etc.

H1153-0029

H1153 – 0030

T C 34

ACKNOWLEDGEMENT OF RECEIPT

The Belgian Government has taken note with great satisfaction of the declaration communicated to it this day by the German Government. It thanks the German Government warmly for this communication.

1170)

VIII USA 84

PS 375

General Staff of the 5th Section
(German Air Force)
(Genstb. 5. Abteilung)
No. 28/38. TOP SECRET (G-2)
For Commanders only (CHEF-SACHE)

Berlin, 25 August 1938

2 Copies
2nd Copy

THROUGH OFFICER COURIER ONLY

TOP SECRET

Subject:- Extended Case Green (GRUEN - code for Czechoslovakia)
Estimate of the Situation with Special Consideration of the Ent

A) Initial Political Situation:

1) The basic assumption is that France will declare war during the Cas Green.

It is presumed that France will only decide upon war if active military assistance by Great Britain is definitely assured.

2) The Soviet Union will probably side immediately with the Western Powers.

3) It is not expected for the moment that other states will intervene against Germany.

The Dutch-Belgian area assumes in this connection much more importa for the prevention of the war in Western Europe than during the Wor War. This mainly as an advanced base for the air war.

4) The United States of America will immediately support the fight of Western Powers with strong ideological and economic means.

5) Italy, Nationalistic-Spain, Hungary and Japan are regarded as benevolent neutrals.

B) Initial Military Situation:

1) The French-Czechoslovakian treaty provides for military assistance only in the case of an unprovoked attack. At least an agreement o the French and British views as to the legal aspect has to be achie If only for political reasons we have to consider the 2nd day as th earliest possible day of war on a European scale. In case of a 24 hour ultimatum it would be the 3rd day.

2) It is further assumed that the actual commencement of hostilities will only take place after the French armed forces have been tactically deployed. That means within the fourth to eighteenth day. This to
a) use the deployment as a means of political pressure,
b) and to be able to deploy the troops undisturbed.

3) The war aim of the Entente Powers is to be considered as the overcoming of Germany through attacking its war economy. With oth words through a long war.

4) The following are possible methods of operation for the French army:

a) to man and hold the Maginot Line,
b) to march into Belgium and the Netherlands at the beginning of the war with the aim of occupying the Ruhr territory.

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All suppositions support the first alternative.

5) The French Air Force will probably attack both economic and German Air Force targets as well as military and communication objectives. Thus no concentrated effect will be achieved at any one place.

6) The French Navy will probably cooperate through operations with the British sea power to supplement the North Sea blockade. The aim will be the maintenance of naval predominance in the Atlantic and the Western Mediterranean.

7) The British Air Force is assumed to be committed from English bases against the Rhine-Westphalia industrial area and the North Sea ports. Sooner or later the Belgium-Dutch neutrality will be violated.

A camouflaged aircraft reporting network in Belgium and the Netherlands has to be taken into account from the first day of the war. No transfer to France on the part of the British Air Force need be expected at the beginning of the war. Equally it is held to be out of the question for any large parts of the British armed forces to be transferred to France.

8) Provision seems to have been made for the use of North French ground organizations during the course of the war at least by part of the attacking British Air Forces.

The existence of a relatively large number of civilian airfields in Belgium and the Netherlands seem to indicate the intention of moving advanced elements of the air defences of London (light fighters and reconnaissance aircraft) into this area after a while.

9) Thanks to the expected neutrality of Poland, the active participation of Soviet Russia will be largely restricted to the prosecution of the war in the Baltic.

Furthermore, air attacks against East Prussia and the Baltic coast are to be anticipated and occasional raids on Berlin are regarded as possible.

10) The basic assumption in respect to our own prosecution of the war is that two war plane air forces will be available in the West at the beginning of hostilities. There will be five war plane air forces in all after three to four weeks. The aim will be to bring about a decision by the defeat of the Western powers.

C) Task of the German Air Force:

The German Air Force has at present not all the forces necessary to seek a decision by attacking the enemy's war economy with the aid of the navy. The prime responsibility of the German Air Force in the present situation must be to help the armed forces immobilized opposite a fortified front to achieve operational freedom.

D) Enemy War Plane Forces

1) The French Air Force will have on the 1st October some 640 war planes in the front line units on French home territory of which not more than 120 to 150 attain a modern standard of performance. Available reserves total about 320 obsolete war planes.

There are another 150 obsolete war planes in North Africa for use in colonial war or against Southern Italy.

It is assumed that the French home war plane units will be deployed for the most part in the known areas of Eastern France at

H1153 - 0033

the beginning of the war. They will be employed against various targets (air force targets, industrial and communications targets, military installations, Army targets) in the operational area as well as in depth according to the capabilities of their personnel and equipments.

Any transfer of more than insignificant forces to Czechoslovakia is regarded as outside the range of practical possibilities, as is the concentrated commitment of large formations against the armies fighting in Czechoslovakia.

2) The British war plane force will consist of some 850 war planes on October 1st of which 500 to 550 can be regarded as modern. The majority of the front line aircraft as well as some 200 to 300 reserve aircraft can be described as only conditionally serviceabl in the face of modern defences.

Due to their inadequate range the present British war plane formations are not in a position to carry on a vigorous air war from their home bases only without violating sovereign Dutch or Belgian territory.

Even if Dutch and Belgian neutrality is ignored only the modern war planes need be taken into account as a serious threat to the Ruhr.

A transfer of British Air Forces to Northern France is to be expected at the earliest, after several weeks of war.

If the French Army Command decides to march through Belgium and the Netherlands the immediate influx of British fighters into this area becomes probable.

Heavy attacks against the North Sea ports by carrier based aircraft need not be reckoned with:

a) because the equipment and training of these aircraft is designed to fit them for specific naval tasks;
b) because aircraft carriers, due to their vulnerability, will be committed in the North Sea only for very pressing reasons, which do not exist in this instance.

On the other hand occasional attacks by coastal aircraft forces against targets on the North Sea coast are feasible and probable.

E) Enemy Aircraft Industries:

1) The first aircraft put into mass production as a result of the expansion of French military aircraft industry during the years 1934 to 1938 are at present rolling off the assembly lines. At the moment the aero-engine factories are lagging behind with deliveries.

In August 1938 forty single-engined and thirty twin-engined military aircraft were delivered to the French Air Force. It must be assumed that these figures will be increased during the coming months to 100 aircraft a month, 50 single-engined and 50 twin-engined.

A further moderate increase in production is possible and to be expected from spring 1939 on.

2) In Great Britain existing plants have been extended since 1936 with the aid of State funds and the effect on the armament situation will begin to make itself felt increasingly from 1939 on. If the present plans will be observed the program will be completely carried out by 1941.

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Present production (August 1938) is estimated at some 200 aircraft of all types (commercial and military aircraft) a month. It must be noted that the import of training aircraft and long-range reconnaissance aircraft from the United States and Canada is intended.

3) North American aircraft industry (United States and Canada) is at the moment fully occupied. No notable expansion has yet taken place but is possible. A possible expansion would have no practical effects in 1939.

250 aircraft of all types (commercial and military) a month for the home and foreign market may be stated as the present production rate. Appreciably more aircraft engines are manufactured.

F) Position with regard to preparation of target data:

1) It is proposed to supply units on or before 5th October with the following target data for France:

a) Air Force (airfields, air parks and equipment depots, airforce fueldumps). About 90% of existing installations are included

b) Fuel Supply.
100% of the refineries are included and 60% of the total storage capacity (including the above-mentioned Air Force fuel dumps).

c) Ammunition Supply.
An estimated 70% to 80% of the total productive capacity of explosive and gunpowder factories and 17 large supply dumps (main ammunition depots and ammunition depots, Army and Air Force) are included.

d) Power Supply.
All the large power plants are included.

e) Key Industries.
In particular the Paris aero-engine industry has been included

f) Targets in the Paris area.
An adequate number of targets for attacks on Paris proper have been included.

Further target data, particularly for essential industrial targets, are accumulating currently.

In addition, command authorities will receive maps of the tactical situation and of target groups on or before the above-mentioned date.

2) Basic target maps of British ground organization (airfields) are approximately 90% ready. They have been passed on to Air Force Group 2 for printing and for the adding of sectional excerpts of maps. They have been ordered to be ready by 15 September.

As far as essential industrial targets are concerned, work has been carried out on the food and crude oil supply systems and dock in the London and Hull areas (basic target maps, sector maps, partially covered also by aerial and ground panoramas).

These will be reproduced after the ground organization targets have been printed. They cannot be expected to be ready before 20 October.

H1153 – 0035

Tactical maps and target maps of London and Hull will be issued t the command authorities prior to the end of September.

3) The basic target maps of the Air Force objectives for Belgium and the Netherlands are ready for printing. Reproduction and distribution (including sector maps) will probably be possible only during October.

4) In General it must be emphasized that contrary to Czechoslovakia there are relatively very few aerial photographs of Western European targets available.

G) Recommendations for our own Prosecution of the Air War.

1) A negative answer must be given to the question as to whether it is appropriate to postpone the planned commitments of our striking power until the spring. The balance of force would probably have altered by that time to our disadvantage due to further progress of French and British aircraft industry and imports from North America.

2) From a climatological point of view the autumn offers our forces greater prospect of success than the enemy, due to our relatively good training in instrument flying.

3) As our forces must be regarded as small, even if we accept the figure of 5 air forces as a basis, the task can only be fulfilled by concentrated blows directed against the enemy's weakest points.

For this purpose choice of targets must be made with the greatest care and must be restricted to the decisive points.

4) As long as only 2 air forces are available prosecution of the war on the basis of [illegible] line is advisable. This is seen in attacks against the enemy air forces in the airfields where they are deployed in Eastern France, with a view to prevent complete aerial predominance by the enemy.

Attacks on Paris should only be carried out as a reprisal, especially as the air defences in and around Paris are strong. Such attacks must however be possible at all times.

Direct cooperation with the army is only considered desirable if the enemy deploys air formations in such strength as to endanger the Western German fortifications by a breakthrough or outflanking.

Support for the Army will be supplied in this case by attacks:

a) against transports, troop concentrations and movements,
b) against enemy war planes, should these cooperate with his armed forces in great numbers.

Should there be danger of a penetration of the Western [illegible], a further measure would be to concentrate fighter forces scattered in the West on the decisive ground front.

Attacks against objectives in the British Isles are to be regarded as unjustifiable in view of the small numbers of our combat forces.

Should the enemy remain on the defensive in the ground war and withdraw with his war plane forces to the West there will be no urgent reason for us to commit our own forces. In this case it would seem better to save our forces until reinforcements arrive.

5) As soon as strong forces are freed for the prosecution of the war

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in the West, operations in the air must be directed without delay at reaching a decision.

It would seem possible to achieve this end by attacking:

a) fuel refineries and dumps;
b) gunpowder and high explosive factories, main ammunition depots and ammunition dumps;
c) the most important ports handling imports which are also centres for the transfer and reshipment of fuel and ammunition.

Thus the enemy's fuel and ammunition supply system for his ground and air forces would be paralysed or at least curtailed to an intolerable degree.

Assuming that the individual groups of targets are one after the other successively attacked until eliminated it would appear that by the use of 5 air forces a sufficient measure of success could be achieved to enable the Army to break through the enemy's fortified front.

No large-scale operations against targets in the British Isles could be carried out in addition to this task.

Everything should however be prepared to make reprisal attacks against London possible at any time.

Considering the strength of the air defences in and around London success in such attacks is only likely if strong forces are committed.

In addition occasional harassing attacks against targets in South and Southeast England may be worthy of consideration, particularly if the weather enforces a lull in France. A secondary aim of such attacks would be to pin down strong defence forces in Great Britain.

6) Should still stronger war plane forces - at least 3 air forces - be available after the French targets had been successfully attacked, they might be committed to advantage in attacks against the food supply of great Britain, notably of London. It must however be emphasized that it is only regarded as possible to achieve decisive successes if considerably stronger forces are committed and if the western ports are also subjected to air attacks.

H) Requests to Armed Forces Supreme Command, Army and Navy:

1) The use of the Condor Legion against the refineries in Bordeaux and possibly against those in Marseilles would valuably supplement our attacks of the French fuel supply system.

2) The ammunition situation has to be rendered precarious for the enemy as soon as possible. Therefore the armed forces should accompany the air attacks against the ammunition supplies with synchronized offensive thrusts. Special attention should be directed towards the ammunition supplies stored in the Maginot line itself and accessible to air attack.

3) The Navy should hamper imports through the French Atlantic Ports to as great an extent as it compatible with its other tasks and the forces available. Especially for some 2-3 months at the beginning of the attack against the fuel supply of France.

4) Belgium and the Netherlands would, in German hands, represent an extraordinary advantage in the prosecution of the air war against Great Britain as well as against France. Therefore it is held to be essential to obtain the opinion of the Army as to the conditions under which an occupation of this area could be carrie out and how long it would take. In this case it would be necessary to reassess the commitment against Great Britain.

signed: For: WOLTER

1 inclosure

Distribution:

Chief of German Air Force Operations Staff
General Staff/5th Section (Draft)

1. Copy with 1 inclosure
2. Copy with 1 inclosure

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vide GB 78

TC 30

TC 35

TC 39

GERMAN ASSURANCE TO DENMARK, NORWAY,
BELGIUM AND THE NETHERLANDS, APRIL 28th, 1939.

"I have given binding declarations to a large number of States. None of these States can complain that even a trace of a demand contrary thereto has ever been made to them by Germany. None of the Scandinavian statesmen, for example, can contend that a request has ever been put to them by the German Government or by German public opinion which was incompatible with the sovereignty and integrity of their State."

"I was pleased that a number of European States availed themselves of these declarations by the German Government to express and emphasize their desire too for absolute neutrality. This applies to Holland, Belgium, Switzerland, Denmark, etc. I have already mentioned France. I need not mention Italy, with whom we are united in the deepest and closest friendship, Hungary and Yugoslavia, with whom we as neighbours have the fortune to be on very friendly terms. On the other hand I have left no doubt from the first moment of my political activity that there existed other circumstances which represent such a mean and gross outrage of the right of self-determination of our people that we can never accept or endorse them. I have never written a single line or made a single speech displaying a different attitude towards the above-mentioned States. On the other hand with reference to the other cases I have never written a single line or made a single speech in which I have expressed any attitude contrary to my actions."

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Exhibit GB 101
Filed Dec 7, 1945

T.C. 42A.

GERMAN ASSURANCE TO LUXEMBOURG 28 APRIL 1939.

D.d.A.P. Vol 7 I. P. 172.

18. Finally Mr Roosevelt demands the readiness to give him an assurance that the German fighting forces will not attack the territory or possessions of the following independent nations, and, above all, that they will not march into them. And he goes on to name the following as the countries in question: Finnelnd, Latvia, Lithuania, Esthonia, Norway, Sweden, Denmark, Holland, Belgium Great Britian, Ireland, France, Portugal, Spain, Switzerland, Liechtenstein, Luxembourg, Poland, Hungary, Rumania, Yugoslavia, Russia, Bulgaria, Turkey, Iraq, Arabia, Syria, Palestine, Egypt and Iran.

Answer: I started off by taking the trouble to find out in the case of the countries listed, firstly, whether they feel themselves threatened and, secondly and particularly, whether this question Mr Roosevelt has asked us was put as the result of a demarche by them or at least with their consent.

The answer was a general negative, which in some cases took the form of a blunt rejection. Actually this counter-question of mine could not be conveyed to some of the states and nations listed, since they are not at present in possession of their liberty (as for instance Syria), but are occupied by the military forces of democratic states, and therefore, deprived of all their rights.

Thirdly, apart from that, all the states bordering on Germany have received much more binding assurances and, above all, much more binding proposals than Mr Roosevelt asked of me in his peculiar telegram.

CERTIFICATE OF TRANSLATION.

28 November 1945

I, Leslie A. HILL, MC. Major, Northumberland Hussars, hereby certify I am thoroughly conversant with the English and German languages, and that the above is a true and correct translation of document No. T.C. 42A.

(Sgd) LESLIE A. HILL
Major.
Northumberland Hussars.

H1153 - 0039

TOP SECRET (Transl. Geheime Reichsache)
To be transmitted by officer only.

L. 79 vide usa27

Minutes
of a conference on 23 May 39

Place: The Fuhrer's Study, New Reich Chancellery.

Adjudant on duty: Lt.-Col. (G.S.) Schmundt.

Present: The Fuhrer, Field-Marshal Goring, Grand-Admiral Raeder.

Col-Gen. von Brauchitsch, Col-Gen. Keitel, Col-Gen. Milch, Gen. (of Artillery) Halder, Gen. Bodenschatz, Rear-Admi. Schniewindt, Col. (G.S.) Jeschonnek, Col. (G.S.) Warlimont, Lt-Col. (G.S.) Schmundt, Capt. Engel (Army), Lieut-Comd. Albrecht, Capt. v. Below (Army).

Subject: Indoctrination on the political situation and future aims.

(Page 2)

The Fuhrer defined as the purpose of the conference:

1) Analysis of the situation.
2) Definition of the tasks for the Armed Forces arising from that situation.
3) Exposition of the consequences of those tasks.
4) Ensuring the secrecy of all decisions and work resulting from these consequences.

Secrecy is the first essential for success.

The Fuhrer's observations are given in systematised form below.

Our present situation must be considered from two points of view:

1) The actual development of events between 1933 and 1939;
2) The permanent and unchanging situation in which Germany lies.

In the period 1933-1939, progress was made in all fields. Our military situation improved enormously.

Our situation with regard to the rest of the world has remained the same.

Germany had dropped from the circle of Great Powers. The balance of power had been effected without the participation of Germany.

This equilibrium is disturbed when Germany's demands for the necessities of life make themselves felt, and Germany re-emerges as a Great Power. All demands are regarded as "Encroachments". The English are more afraid of dangers in the economic sphere than of the simple threat of force. (p. 3)

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A mass of 80 million people has solved the ideological problems. So, too, must the economic problems be solved. No German can evade the creation of the necessary economic conditions for this. The solution of the problems demands courage. The principle, by which one evades solving the problem by adapting oneself to circumstances, is inadmissable. Circumstances must rather be adapted to aims. This is impossible without invasion of foreign states or attacks upon foreign property.

Living space, in proportion to the magnitude of the state, is the basis of all power. One may refuse for a time to face the problem, but finally it is solved one way or the other. The choice is between advancement or decline. In 15 or 20 years' time we shall be compelled to find a solution. No German statesman can evade the question longer than that.

We are at present in a state of patriotic fervour, which is shared by two other nations: Italy and Japan.

The period which lies behind us has indeed been put to good use. All measures have been taken in the correct sequence and in harmony with our aims.

After 6 years, the situation is today as follows: (p. 4)

The national-political unity of the Germans has been achieved, apart from minor exceptions. Further successes cannot be attained without the shedding of blood.

The demarkation of frontiers is of military importance.

The Pole is no "supplementary enemy". Poland will always be on the side of our adversaries. In spite of the treaties of friendship, Poland has always had the secret intention of exploiting every opportunity to do us harm.

Danzig is not the subject of the dispute at all. It is a question of expanding our living space on the East and of securing our food supplies, of the settlement of the Baltic problem. Food supplies can be expected only from thinly populated areas. Over and above the natural fertility, thorough-going German exploitation will enormously increase the surplus.

There is no other possibility for Europe.

Colonies: Beware of gifts of colonial territory. This does not solve the food problem. Remember - blockade.

If fate brings us into conflict with the West, the possession of extensive areas in the East will be advantageous. We shall be able to rely upon record harvests, even less in time of war than in peace.

The population of non-German areas will perform no military service, and will be available as a source of labour. (p. 5)

The Polish problem is inseparable from conflict with the West.

Poland's internal power of resistance to Bolshevism is doubtful. Thus Poland is of doubtful value as a barrier against Russia.

It is questionable whether military success in the West can be achieved by a quick decision, questionable too is the attitude of Poland.

The Polish government will not resist pressure from Russia. Poland sees danger in a German victory in the West, and will attempt to rob us of the victory.

There is therefore no question of sparing Poland, and we are left with

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The decision:

To attack Poland at the first suitable opportunity

We cannot expect a repetition of the Czech affair. There will be war. Our task is to isolate Poland. The success of the isolation will be decisive.

Therefore, the Fuhrer must reserve the right to give the final order to attack. There must be no simultaneous conflict with the Western Powers (France and England).

If it is not certain that a German-Polish conflict will not lead to war in the West, then the fight must be primarily against England and France, (p. 6)

Fundamentally therefore: Conflict with Poland - beginning with an attack on Poland - will only be successful if the Western Powers keep out of it.
If this is impossible, then it will be better to attack in the West and to settle Poland at the same time.

The isolation of Poland is a matter of skilful politics.

Japan is a weighty problem. Even if at first for various reasons her collaboration with us appears to be somewhat cool and restricted, it is nevertheless in Japan's own interest to take the initiative in attacking Russia in good time.

Economic relations with Russia are possible only if political relations have improved. A cautious trend is apparent in Press comment. It is not impossible that Russia will show herself to be disinterested in the destruction of Poland. Should Russia take steps to oppose us, our relations with Japan may become closer.

If there were an alliance of France, England and Russia against Germany Italy and Japan, I would be constrained to attack England and France with a few annihiliating blows. (p. 7). The Fuhrer doubts the possibility of a peaceful settlement with England. We must prepare ourselves for the conflict. England sees in our development the foundation of a hegemony which would weaken England. England is therefore our enemy, and the conflict with England will be a life-and-death struggle.

What will this struggle be like?

England cannot deal with Germany and subjugate us with a few powerful blows. It is imperative for England that the war should be brought as near to the Ruhr basin as possible. French blood will not be spared (West Wall). The possession of the Ruhr basin will determine the duration of our resistance.

The Dutch and Belgian air bases must be occupied by armed force. Declarations of neutrality must be ignored. If England and France intend the war between Germany and Poland to lead to a conflict, they will support Holland and Belgium in their neutrality and make them build fortifications, in order finally to force them into cooperation.

Albeit under protest, Belgium and Holland will yield to pressure. (p. 8)

Therefore, if England intends to intervene in the Polish war, we must occupy Holland with lightening speed. We must aim at securing a new defence line on Dutch soil up to the Zuider Zee.

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The war with England and France will be a life-and-death struggle.

The idea that we can get off cheaply is dangerous; there is no such possibility We must burn our boats, and it is no longer a question of justice or injustice but of life or death for 80 million human beings.

Question: Short or long war?

Every country's armed forces or government must aim at a short war. The government, however, must also be prepared for a war of 10-15 years' duration.

History has always shown that the people have believed that wars would be short. In 1914, the opinion still prevailed that it was impossible to finance a long war. Even today this idea still persists in many minds. But on the contrary, every state will hold out as long as possible, unless it immediately suffers some grave weakening (e.g. Ruhr basin). England has similar weaknesses.

England knows that to lose a war will mean the end of her world power. (p 9)

England is the driving force against Germany.
(Literally: England is the motor driving against Germany). Her strength lies in the following:

1. The British themselves are proud, courageous, tenacious, firm in resistance and gifted as organisers. They know how to exploit every new development. They have the love of adventure and bravery of the Nordic race. Quality is lowered by dispersal. The German average is higher.

2. World power in itself. It has been constant for 300 years. Extended by the acquisition of allies. This power is not merely something concrete, but must also be considered as a psychological force embracing the entire world. Add to this immeasurable wealth, with consequental financial credit.

3. Geopolitical safety and protection by strong sea power and a courageous air force.

England's weakness:

If in the World War I we had had two battleships and two cruisers more, and if the battle of Jutland had begun in the morning, the British fleet would have been defeated and England brought to her knees. It would have meant the end of this War (p 10). It was formerly not sufficient to defeat the fleet, landings had to be made in order to defeat England. England could provide her own food supplies. Today it is no longer possible.

The moment England's food supply routes are cut, she is forced to capitulate. The import of food and oil depends on the fleet's protection.

If the German Air Force attacks English territory, England will not be forced to capitulate in one day. But if the fleet is destroyed, immediate capitulation will be the result.

There is no doubt that a surprise attack can lead to a quick decision. It would be criminal, however, for the government to rely entirely on the element of surprise.

Experience has shown that surprise may be nullified by:-

1. Disclosure outside the limit of the military circles concerned;
2. Mere chance, which may cause the collapse of the whole enterprise;
3. Human failings;
4. Weather conditions.

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The final date for striking must be fixed well in advance. Beyond that time the tension cannot be endured for long. (p 11). It must be borne in mind that weather conditions can render any surprise intervention by Navy and Air Force impossible.

This must be regarded as a most unfavourable basis for action.

1. An effort must be made to deal the enemy a significant or the final decisive blow. Considerations of right and wrong, or treaties, do not enter into the matter.
This will only be possible if we are not involved in a war with England on account of Poland.

2. In addition to the surprise attack, preparations for a long war must be made, while opportunities on the Continent for England are eliminated.

The army will have to hold positions essential to the Navy and Air Force. If Holland and Belgium are successfully occupied and held, and if France is also defeated, the fundamental conditions for a successful war against England will have been secured.

England can then be blockaded from Western France at close quarters by the Air Force, while the Navy with its submarines can extend the range of the blockade.

(page 12)

Consequences:

England will not be able to fight on the Continent:
Daily attacks by the Air Force and Navy will cut all her life-lines;
Time will not be on England's side;
Germany will not bleed to death on land.

Such strategy has been shown to be necessary by World War I and subsequent military operations. World War I is responsible for the following strategic considerations which are imperative:-

1. With a more powerful Navy at the outbreak of the war, or a wheeling movement by the Army towards the Channel ports, the end would have been different.

2. A country cannot be brought to defeat by an Air Force. It is impossible to attack all objectives simultaneously and the lapse of time of a few minutes would evoke defensive counter-measures.

3. The unrestricted use of all resources is essential.

4. Once the Army, in cooperation with the Air Force and the Navy, has taken the most important positions, industrial production will cease to flow into the bottomless pit of the Army's battles and can be diverted to benefit the Air Force and Navy. (p 13)

The Army must therefore be capable of taking these positions. Systematic preparation must be made for the attack.

Study to this end is of the utmost importance.

The aim will always be to force England to her knees.

A weapon will only be of decisive importance in winning battles, so long as the enemy does not possess it.

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This applies to gas, submarines and the Air Force. It would be true of the latter for instance, as long as the English fleet had no available counter-measures; it will no longer be the case in 1940 and 1941. Against Poland, for example, tanks will be effective, as the Polish Army possesses no counter-measures.

Where straight forward pressure is no longer considered to be decisive, its place must be taken by the elements of surprise and by masterly handling.

This is the plan of attack

The plan demands:- (Page 14)

1. A correct estimate of weapons and their effectiveness:-
   e.g. (a) Battleship or aircraft carrier; which is the more effective individually or considered as a whole? The aircraft carrier is the better protection for a convoy.

   (b) Is air attack more important on a factory than on a battleship? Where are bottlenecks in production located?

2. Immediate preparedness on the part of the Army.
   The Army must move straight from its peace stations to overrun neighbouring states. (Literally: Neighbouring states must be overrun direct from barracks).

3. A study of the enemy's weak points.

These studies must not be left to the General Staffs. Secrecy would no longer be guaranteed.

This staff will keep the Fuhrer informed and report to him.

(page 15)

The planning staff is responsible for the planning of operations on the highest level, and on the technical preparations and organisation necessarily required by the decisions taken.

The purpose of certain regulations concerns no-one outside the staff.

However great are the increases in the armaments of our adversaries they must, at some time, come to the end of their resources, and ours will be greater. French recruiting - 120,000 men in each age class!

We shall not be forced into a war, but we shall not be able to avoid one.

Secrecy is the decisive requirement for success. Our object must be kept secret even from Italy or Japan. The break-through through the Maginot line is still a possibility for Italy, and must be studied. The Fuhrer considers that such a break-through is possible.

The close combination of the services, for the study of the problem in its entirety, is important.

8[illegible]

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The object:

1. Study of the problem in its entirety.
2. Study of the procedure.
3. Study of the necessary requirements.
4. Study of the necessary training.

The staff must include men with great imaginative power and the best technical knowledge, as well as officers of sober and sceptical judgment.

Working principles:

1. No-one must be admitted who is not concerned.
2. No-one may know more than it is necessary for him to know.
3. When must the person concerned know, at latest? No-one may know of a matter earlier than is necessary for him to know of it.

At the request of Field Marshal Goring, the Fuhrer decrees that:

a) The various services shall decide what construction is to be undertaken.
b) There shall be no alterations in the shipbuilding programme.
c) The armaments programme are to be postponed to 1943 or 1944.

Certified correct record
(signed) SCHMUNDT, Lt. Col.

798-PS
vide USA 29

The Führer's speech to the Commanders in Chief on 22 August 1939.

I have called you together to give you a picture of the political situation, in order that you may have insight into the individual elements on which I have based my decision to act and in order to strengthen your confidence.

After this we will discuss military details.

It was clear to me that a conflict with Poland had to come sooner or later. I had already made this decision in spring, but I thought that I would first turn against the West in a few years, and only afterwards against the East. But the sequence cannot be fixed. One cannot close one's eyes even before a threatening situation. I wanted to establish an acceptable relationship with Poland in order to fight first against the West. But this plan, which was agreeable to me, could not be executed, since essential points have changed. It became clear to me, that Poland would attack us in case of a conflict with the West. Poland wants access to the sea. The further development became obvious after the occupation of the Memel region, and it became clear to me that under circumstances a conflict with Poland could arise at an inopportune moment. I enumerate as reasons for this reflection:

1) First of all two personal constitutions:
My own personality and that of Mussolini.
Essentially it depends on me, my existence, because of my political activities. Furthermore the fact that probably no one will ever again have the confidence of the whole German people as I do. There will probably never again be a man in the future with more authority than I have. My existence is therefore a factor of great value. But I can be eliminated at any time by a criminal or an idiot.

The second personal factor is the Duce. His existence is also decisive. If something happens to him, Italy's loyality to the alliance will no longer be certain. The basic attitude of the Italian court is against the Duce. Above all, the court sees in the expansion of the empire a burden. The Duce is the man with the strongest nerves in Italy.

The third factor favourable for us is France. We can ask only benevolent neutrality from Spain. But this depends on France's personality. He guarantees a certain uniformity and steadiness of the present system in Spain. We must take into account the fact that Spain does not as yet have a Fascist party of our internal unity.

On the other side a negative picture as far as decisive personalities are concerned. There is no outstanding personality in England or France.

For us it is easy to make decision. We have nothing to lose; we can only gain. Our economic situation is such, because of our restrictions, that we cannot hold out more than a few years. Goering can confirm this. We have no other choice, we must act. Our opponents risk much and can gain only a little. England's stake in a war is unimaginably great. Our enemies have men who are below average. No personalities. No masters, no men of action.

Besides the personal factor, the political situation is favourable for us; in the Mediterranean rivalry among Italy, France, and England, in the Orient tension, which leads to the alarming of the Mohammedan world.

The English empire did not emerge from the last war strengthened. From a maritime point of view, nothing was achieved. Conflict between England and Ireland. The South African Union became more independent. Concessions had to be made to India. England is in great danger. Unhealthy industries. A British statesman can look into the future only with concern.

France's position has also deteriorated particularly in the Mediterranean.

Further favourable factors for us are these:

Since Albania there is an equilibrium of power in the Balkans. Yugoslawia carries the germ of collapse because of her internal situation.

Rumania did not grow stronger. She is liable to attack and vulnerable. She is threatened by Hungary and Bulgaria. Since Kemal's death, Turkey has been ruled by small minds, unsteady, weak men.

1623.

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All these fortunate circumstances will no longer prevail in 2 to 3 years. No one knows how long I shall live. Therefore conflict better now.

The creation of Greater Germany was a great achievement politically, but militarily it was questionable, since it was achieved through a bluff of the political leaders. It is necessary to test the military. If at all possible, not by general settlement, but by solving individual tasks.

The relation to Poland has become unbearable. My Polish policy hitherto was in contrast to the ideas of the people. My propositions to Poland (Danzig corridor) were disturbed by England's intervention. Poland changed her tone towards us. The initiative cannot be allowed to pass to the others. This moment is more favourable than in 2 to 3 years. An attempt on my life or Mussolini's could change the situation to our disadvantage. One cannot eternally stand opposite one another with cocked rifle. A suggested compromise would have demanded that we change our convictions and make agreeable gestures. They talked to us again in the language of Versailles. There was danger of losing prestige. Now the probability is still great that the West will not interfere. We must accept the risk with reckless resolution. A politician must accept a risk as much as a military leader. We are facing the alternative to strike or to be destroyed with certainty sooner or later.

Reference to previous risks.

I would have been stoned if I had not carried my point. The most dangerous step was the invasion of the neutral zone. Only a week before, I got a warning through France. I have always accepted a great risk in the conviction that it may succeed.

Now it is also a great risk. Iron nerves, iron resolution.

The following special reasons strengthen my idea. England and France are obligated, neither is in a position for it. There is no actual rearmament in England, just propaganda. It has done much damage that many reluctant Germans said and wrote to Englishmen after the solution of the Czech question; The Führer carried his point because you lost your nerve, because you capitulated too soon. This explains the present propaganda war. The English speak of a war of nerves. It is one element of this war of nerves to present the increase of armament. But how is British rearmament in actual fact. The construction programme of the Navy for 1938 has not yet been filled. Only mobilization of the reserve fleet. Purchase of fishing steamers. Considerable strengthening of the Navy, not before 1941 or 1942.

Little has been done on land. England will be able to send a maximum of 3 divisions to the continent. A little has been done for the air force, but it is only a beginning. AA defense is in its beginning stages. At the moment England has only 150 AA guns. The new AA gun has been ordered. It will take a long time until enough have been produced. Fire directors are lacking. England is still vulnerable from the air. This can change in 2 to 3 years. At the moment the English air force has only 130,000 men, France 72,000 men, Poland 15,000 men. England does not want the conflict to break out for two or three years.

The following is characteristic for England. Poland wanted a loan from England for rearmament. England, however, only gave credit in order to make sure that Poland buys in England, although England cannot deliver. This means that England does not really want to support Poland. She does not risk 8 million pounds in Poland, although she put half a billion into China. England's position in the world is very precarious. She will not accept any risks.

France lacks men (decline of the birth rate). Little has been done for rearmament. The artillery is antiquated. France did not want to enter on this adventure. The West has only two possibilities to fight against us:

1) Blockade: It will not be effective because of our antarchy and because we have sources of aid in the east.

2) Attack from the West from the Maginot line: I consider this impossible.

Another possibility is the violation of Dutch, Belgium, and Swiss neutrality. I have no doubts that all these states as well as Skandinavia will defend their neutrality by all available means. England and France will not violate the neutrality of these countries. Actually England cannot help Poland. There remains an attack on Italy. A military attack is out of the question. No one is counting on a long war. If Mr. von Brandutch had told me that I would need 4 years to conquer Poland I would have replied: then it

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cannot be done. It is nonsense to say that England wants to wage a long war.

We will hold our position in the West until we have conquered Poland. We must be conscious of our great production. It is much bigger than in 1914-1918.

The enemy had another hope, that Russia would become our enemy after the conquest of Poland. The enemy did not count on my great power of resolution. Our enemies are little worms. I saw them in Munich.

I was convinced that Stalin would never accept the England offer. Russia has no interest in maintaining Poland and Stalin knows that it is the end of his regime no matter whether his soldiers come out of a war victorious or beaten. Litvinow's replacement was decisive. I brought about the change toward Russia gradually. In connection with the commercial treaty we got into political conversation. Proposal of a non-aggression pact. Then came a general proposal from Russia. Four days ago I took a special step, which brought it about that Russia answered yesterday that she is ready to sign. The personal contract with Stalin is established. The day after tomorrow von Ribbentrop will conclude the treaty. Now Poland is in the position in which I wanted her.

We need not be afraid of a blockade. The East will supply us with grain, cattle, coal, lead and zinc. It is a big arm, which demands great efforts. I am only afraid that at the last minute some Schweinehund will make a proposal for mediation.

The political arm is set farther. A beginning has been made for the destruction of England's hegemony. The way is open for the soldier, after I have made the political preparations.

Today's publication of the non-aggression pact with Russia hit like a shell. The consequences cannot be overlooked. Stalin also said that this course will be of benefit to both countries. The effect on Poland will be tremendous.

Goering answers with thanks to the Führer and the assurance that the armed forces will do their duty.

+ + + + + + + + + + + + +

CERTIFICATE OF TRANSLATION
OF DOCUMENT NO. 798-PS

15 Nov. 1945.

I, Virginia von Schon, hereby certify that I am thoroughly conversant with the English and German languages; and that the above is a correct and true translation of Document No. 798-PS.

Virginia von Schon
046318

H1153 - 0049

H1153 - 0050

Exhibit GB 102
Filed Dec. 7, 1945

TC 36

Appendix 6

DECLARATION MADE BY THE AMBASSADOR OF GERMANY ON AUGUST 26TH, 1939

In view of the gravity of the international situation, I am expressly instructed by the Head of the German Reich to transmit to Your Majesty the following communication:

Though the German Government is at present doing everything in its power to arrive at a peaceful solution of the questions at issue between the Reich and Poland, it nevertheless desires to

define clearly, here and now, the attitude which it proposes to adopt towards Belgium should a conflict in Europe become inevitable.

The German Government is firmly determined to abide by the terms of the Declaration contained in the German Note of October 13th, 1937. This provides, in effect, that Germany will in no circumstances impair the inviolability and integrity of Belgium and will at all times respect Belgian territory. The German Government renews this undertaking, however, in the expectation that the Belgian Government, for its part, will observe an attitude of strict neutrality and that Belgium will tolerate no violation on the part of a third Power, but that on the contrary she will oppose it with allthe forces at her disposal. It goes without saying that if the Belgian Government were to adopt a different attitude, the German Government would naturally be compelled to defend its interest in conformity with the new situation thus created.

Exhibit GB 103
Filed Dec. 7, 1945
T C 40

H1153 - 0051

(English Translation)

DECLARATION BY THE GERMAN MINISTER, COUNT VON ZECH,
COMMUNICATED TO HER MAJESTY THE QUEEN
IN THE PRESENCE OF THE MINISTER FOR FOREIGN AFFAIRS
ON 26th AUGUST 1939

We are resolved, in accordance with the traditional friendly relations existing between the two countries, and in appreciation of the known Netherlands policy of Independence, to maintain an attitude towards the Netherlands which under no circumstances prejudices the inviolability and integrity of the Netherlands and at all times respects Netherlands territory. But we also naturally expect on our side the Netherlands to observe an unimpeachable neutrality towards us in the event of any conflict. It is of first importance in this connection that Holland shall not tolerate any breaches of her neutrality which may be committed by a third party, but shall oppose them with all the means at her disposal. Should the attitude of the Netherlands in the case of such a breach of neutrality by a third party differ from this, we should obviously be compelled to defend our interests in such a way as the resulting situation might dictate.

Voor eensluidend afschrift:
De Minister van Buitenlandsche Zaken,
Voor den Minister,
De Secretaris-General
(Signed)

Certified at the Netherlands Embassy for legislation of the foregoing signature of Jhr. A.M. Snouck Hurgronje, Secretary General of the Netherlands Ministry for Foreign Affairs.

LONDON, 5th October 1945

(Signed)

Netherlands Ambassador

1172)

H1153 - 0052

Exhibit GB 104
Filed Dec. 7, 1945

TC 42

GERMAN ASSURANCE TO LUXEMBOURG

26 AUGUST 1939

(C 12261/6016/4) No 112

Sir R. Clive to Viscount Halifax - (Received August 28)

(By Telephone)

(No. 40)
(Telegraphic) En clair.

Brussels, August 28, 1939

FOLLOWING is translation of text of German declaration to Luxembourg as given me by Luxemburg Charge d'Affaires:-

"The German Minister stated to M. Bech that the Reich had decided to observe towards the Grand Duchy an attitude which, in the event of war, would not in any way infringe the inviolability of the territory of the Grand Duchy.

"The German Government expected the Grand Duchy to observe an attitude of strict neutrality.

"In the unlikely eventuality of this not being the case, or should Luxenburg be ubable, in the event of violation of her territory by a third Power, to maintain her neutrality, the German Government reserved the right to take such measures as the situation might render necessary in order to protect their interest."

TC 32

GERMAN ASSURANCE TO NORWAY OF OCTOBER 6, 1939

Ref: Dokumente der deutschen Politik, Vol. VII, I, p.350

2. Germany has never had any conflicts of interest or even points of controversy with the northern States, neither has she any today. Sweden and Norway have both been offered non-aggression pacts by Germany and have both refused them solely because they do not feel themselves threatened in any way.

TC 37

GERMAN ASSURANCE TO BELGIUM OF OCTOBER 6, 1939.

Ref: Dokumente der deutschen Politik Vol. VII, I, p. 351.

5. Belgium.

Immediately after I had taken over the affairs of the state I tried to create friendly relations with Belgium I renounced any revision or any desire for revision. The Reich has not made any demands which would in any way be likely to be considered in Belgium as a threat.

TC 41

GERMAN ASSURANCE TO THE NETHERLANDS OF OCTOBER 6, 1939.

Ref: Dokumente der deutschen Politik, Vol. VII, I p. 351.

4. Holland.

The new Reich has endeavoured to continue the traditional friendship with Holland. It has not taken over any existing differences between the two countries and has not created any new ones.

TC 43

GERMAN ASSURANCE TO YUGOSLAVIA OF OCTOBER 6, 1939

Ref: Dokumente der deutschen Politik, Vol. VII, I, p. 352.

7. Immediately after the completion of the Anschluss I informed Yugoslavia that, from now on, the frontier with this country would also be an unalterable one and that we only desire to live in peace and friendship with her.

H1153 - 0053

H1153 - 0054

Exhibit GB 103
Filed Dec. 7, 1945

TRANSLATION OF DOCUMENT NO 2329-PS
OFFICE OF U.S. CHIEF OF COUNSEL

SECRET Stamp

Top Secret
Through Officers only

The Commander in Chief of the Army
Operations Section (Ia)
General Staff of the Army
No 4402/39 Secret

HQ, Army High Command
7, October 1939.

11 copies
2nd copy

General von Beck takes over command of the newly formed Army Group B on 10th October 1939 at 12.00 hours.

Task of Army Group B is the protection of the German boundary from the mouth of the Ems to the line of demarcation with Army Group C. For this task Army Group B holds the western fortifications; the resistance begins on the border.

The Dutch border between Ems and Rhine is to be observed only.

At the same time, Army Group B has to make all preparations according to special orders, for immediate invasion of Dutch and Belgian territory if the political situation so demands.

The order for the occupation is given by the Army High Command until then, any border isolation Dutch or Belgian territory must be avoided most carefully.

signed von Brauchitsch

certified Hansinger.

(signature) Jaiymyer

Distribution
Army Group B) by telegraph
Army Group C)

Handwritten notes

Chief J.N.W
8-10-39

Supreme Hq
Chief of Army Signal Corps
Chief of Quartermaster IV
Org Department
Gen of Air Force with Commander in Chief of the Army operation

Insp F 9/10 Ne 10oo2/39 g.K.
Ju 8-10

Department (1a, 11 111,

Hand written notes)
Archives of the Army.

21st Army Group 6623 (9) F A LIL

Exhibit G.B. 106
Filed Dec. 7, 1945

C62

SE124-G/C-62

The Supreme Commander of the Armed Forces Berlin 9.10.1939.
OKW No. 172/39 SO only. Most Secret WFA/L

8 Copies
2nd Copy

S. O. Only
Access only through
andOfficer (Stamp).

Directive No.6.

For the Conduct of the War

(1) If it becomes evident in the near future that England, and France, acting under her leadership, are not disposed to put an end to the war, I am determined to take action and offensive action without letting much time elapse.

(2) A long waiting period results not only in the ending, to the advantage of the Western Powers, or Belgian, and perhaps also of Dutch neutrality, but also strengthens the military power of our enemies to an increasing degree, causes confidence of the neutrals in German final victory to wane, and does not help to bring Italy to our aid as a brother-in-arms

(3) I therefore issue the following orders for the further conduct of military operations:

a) Preparations should be made for offensive action on the northern flank of the western front crossing the area of Luxembourg, Belgium and Holland. This attack must be carried as soon as forcefully as possible.

b) The object of this attack is to defeat as strong sections of the French Fighting Army as possible, and her ally and partner in the fighting, and at the same time to acquire as great an area of Holland, Belgium and Northern France as possible, to use as a base offering good prospects for waging aerial and sea warfare against England and to provide ample coverage for the vital district of the Ruhr.

c) The time of the attack is dependent on the operational readiness of the armoured and motorized units, which should be expedited with the utmost effort, and on the state of the weather at the time and the weather forecast.

(4) The Luftwaffe prevents the combined French and British Air Forece from interfering with the Army, and, where necessary, gives direct support to its activities. In this connection, it will be very important to prevent the combined French and British Air Force gaining a hold, and also British troops from landing in Holland.

(Note in pencil) - The cutting of the routes supplying the English troops once they have landed will be the task of the Luftwaffe, for U-boats will soon have to cease operating in the Channel on account of great losses.

(5) The conduct of the war at sea must concentrate entirely on being able to give direct or indirect support to the Army and Air Force operations throughout this attack.

H1153 – 0055

H1153-0056

(6) In additon to making these preparations for the start of the offensive in the West according to plan, the Army and the Luftwaffe must be ready at any time and in increasing strength, to be able to make an immediate stand against a combined French, and British entry into Belgium, and this in as advanced a position as possible on Belgium territory - also to be able to occupy Holland as extensively as possible while pushing t towards the West Coast.

(Margin note) - Something like this would be more worth striving for in every respect.

(7) The disguising of preparations must take the line that nothing more than precautionary measures against the threatening concentration of French and British Forces on the Franco-Luxembourg and Belgian frontier are being taken.

(8) I request the C-in-Cs, acting on this order, to submit reports on their intentions to me individually as soon as possible, and to keep me informed through the Supreme Command of the Armed Forces of the state of their preparations.

A. Hitler

DISTRIBUTION:

Supreme Command of the Army	1st Copy
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Air Minister and C-in-C of the Air Force	3rd Copy

Supreme Command of the Armed Forces

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SEC24-G/C-62

MOST SECRET

Supreme Command of the Armed Forces

BERLIN
15 October 1939

W.F.A. No. 20/39 Op Most Secret S.O.only

Re: "Fall Gelb"

7 copies
copy No.2.

S.O. Only
Access only through officer

The enquiries of the Supreme Command of the Army with reference to the carrying out of the directive OKW/WFA/L No. 213/39 Most Secret, S.O. only, of 14 November 1939, were discussed with the Feuhrer today.

The Result was as follows:

The protection of the Ruhr areas, by moving the A/C Reporting Service and the Air defense as far forward as possible in the area of Holland, is of not inconsiderable signifiance to the whole conduct of the war.

The more Dutch territory we occupy, the more effective can the defense of the Ruhr area be made. This viewpoint must determine the choice of objectives by the Army, even if Army and Navy are not directly interested in such a territorial gain. It must be the object of the Army's preparations, therefore, to occupy, - on receipt of a special order - the territory of

H1153 - 0057

Holland, in the first instance as far as the Grebbe-Maas line. It will depend on the political and military attitude of the Dutch, as well as on the effectiveness of their flooding, whether the objective must and can be still further extended.

Preparations will likewise be made to take possession, with the support of the Navy, of the West Frisian islands, at first with the exception of Texel, as soon as the Northern coast of Groningen is in our hands; These too are of great importance as bases for the A/C Reporting Service and England must be deprived of the possibilities of seizing them for similar purposes.

Keitel

Distribution:

Supreme Command of the Army (Gen. Staff of the Army)	Copy No. 1.
Supreme Command of the Navy	" " 2
Minister of Air and C-in-C of the Air Force	" " 3
Supreme Command of the Armed Forces/L	" " 4
Draft	5 & 6
	7

Exhibit G.13.107
Filed Dec. 7, 1945

TRANSLATION OF DOCUMENT NO 440
PS
Office of U.S.Chief of Counsel

The Supreme Commander
of the Armed Forces

OKW/WFA No. 213/39

Top Secret, only for General

Officers, Dept. L (I)

Berlin, November 20 1939

8 copies only

Pencil Marks.

Only for general officers
By officer courier only! (Stamped)

DIRECTIVE NO.8

FOR THE CONDUCT OF THE WAR

1) The state of alert must be maintained for the time being to continue at any time with the deployment which has been initiated. Only in this way is it possible to take immediate advantage of a favourable weather situation.

The parts of the armed forces will make preparations so that the attack can still be stopped, even if the order for stopping the attack should arrive at the higher command only at A-day minus one at 2300 hours. The code word

"Rhein" ? = carry out attack

or

"Elbe" (= stop attack)

will be transmitted to the higher commands not later than at the above-mentioned time.

The supreme command of the Army and the supreme command of the Airforce are requested to report immediately after the designation of attack day to the Supreme Command of the Armed forces, department Airforce the hour at which the beginning of the attack is planned by mutual agreement.

2) Contrary to previously issued instructions, all action intended against Holland may be carried out without a special order when the general attack will start.

The attitude of the Dutch armed forces cannot be anticipated ahead of time. Wherever there is no resistance, the entry should carry the character of a peaceful occupation.

3) The operations on land are to be conducted on the basis of the deployment order of October 29th. The following statement will apply:

a) All arrangements are to be made, in order to shift quickly to the main effort of the operations from Army group B to Army group A, in case faster and greater successes should develop at Army group A than Army group B, as one might well conclude from the present distribution of enemy forces.

b) At first the Dutch area, including the West-Frisian islands situated just off the coast, for the present without Texel, is to be occupied up to the Yrebbe-Haas line.

(1876)

H1153-0058

4) Blockade measures against the Belgian and, contrary to earlier orders, also against the Dutch harbours and navigable waters are authorised for the navy, namely for submarines during the night before the attack and for surface fighting craft and airplanes from the time of the attack of the army. The span of time between the beginning of the blockade operations and the time of the attack on land, must however be kept as short as possible for the deployment of the submarines.

Battle actions against Dutch naval forces are authorized only, if they take a hostile attitude.

The navy will take over the artillery defence of the coast against attacks from the sea, in the coastal territories which are to be occupied. The preparations for that are to be made.

5) The missions of the airforce remain unchanged. They are supplemented by special orders, which the Fuhrer has given orally, about airborne landings and support of the Army in the seizure of the bridges West of Maastricht.

The 7th Airborne Division (7. Fl. Div) will be committed for the airborne operation only after the possession of bridges across the Albert-Canal has been assured. The quickest transmission of this message is to be assured between the supreme command of the Army and the supreme command of the airforce.

Localities, especially large open cities, and industries are not to be attacked without compelling military reasons, neither in the Dutch, nor in the Belgian - Luxembourgian area.

6) Shutting of the borders:

a) Until the beginning of the attack the traffic and news service across the border is to be maintained in its present size across the Dutch, Belgian, and Luxembourgian border, in order to assure the moment of surprise. Until the beginning of the attack, civil authorities are not to participate in the preparations for a border closing.

b) With the beginning of the attack, the Reich border against Holland, Belgium and Luxembourg is to be blocked for all non-military traffic and news service across the border. The supreme commander of the army gives the orders in that respect to the military and civil offices concerned. With the beginning of the attack, the supreme Reich authorities concerned will be informed by the Supreme Command of the armed forces that the measures for the closing of the border are ordered directly by the Supreme Commander of the Army - and that this also applies to the Dutch border not in the area of operations.

c) On the other Reich Borders opposite neutral countries, there will at first be no restrictions in traffic and news service across the border after the beginning of the attack. Further measures which have been prepared for the supervision of the traffic of persons and news service will be put into force, if necessary.

BY ORDER OF:
signed, Keitel
authenticated: (illegible signature)
Captain.

1877

H1153 - 0059

H1153 - 0060

Distribution:

Supreme Command of the Army (OKH) - 1st copy
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(Chef WFA) 4th Copy
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II 2nd copy for acknowledgement

Acknowledged November 21st
(in pencil) (illegible initials)

CERTIFICATE OF TRANSLATION
OF DOCUMENT NO 440-PS

I, 1st Lt. Seligson, A.U.S. Ord. O-1558904, hereby certify that I am thoroughly conversant with the English and German languages; and that the above is a true and correct translation of Document No. 440-PS

Seligson
1st Lt. A.U.S
O-1558904

1878)

Exhibit 213. 108
Filed - Dec. 7, 1945

TRANSLATION

C 10

Supreme Command of the Armed Forces
WFA No.221/39 Most Secret, SO only

Berlin 28.11.1939.

Stamp: C in C Navy
Op 43/39
Recd. 29 Nov. 39

8 copies
2nd copy

H1153 - 0061

Subject: Employment of the 7th Flieger Division

S.O. Only
access only through officer.

MOST SECRET

1. Should the quick breakthrough of the 6th Army, north of Liege, fail, owing to the demolition of the bridges over the Maas and the Albert canal, the intended employment of the 7th Flieger Division against the bridgehead at G will also be cancelled. Special orders for this event will be issued.
2. The Fuhrer is of the opinion that the 7th Flieger Division must on the first day of the attack be employed on another task and requests that the following possibilities be examined:

   a) The occupation of Walcheren Island and thereby Flushing harbour, or of some other southern Dutch island especially valuable for our sea and air warfare.

   b) Taking of one or more Maas crossings between Namur and Dinant with the object of keeping them open until the arrival of the mobile troops employed in the 4th army sector.

   c) Securing of the territory north of Carignan and north-east of Sedan, so that the mobile troops employed in the sector of Army Group A may be able to escape from the wooded heights south-west and south-east of Bouillon.

3. It is requested that the above-named possibilities be explored as quickly as possible and that the following state their opinion:

   OKA to 2) a) and b)
   Naval War Staff to 2) a)
   Reich Minister for Air and C in C Air Force to 2), a), b) and c)

Chief of the Supreme Command of the Armed Forces.

Sgd. Keitel.

Distribution

C in C Army	Copy 1
C in C Navy	" 2
Reich Minister for Air and C in C Air Force.	" 3
OKW	
WFA	" 4
Chef L	" 5
1a	" 6
1b	" 7
1c	" 8

CERTIFICATE OF TRANSLATION OF DOCUMENT NO. C 10 13 Nov 1945

I, Eve Glazier, P/O W.R.N. S. 37371, hereby certify that I am thoroughly conversant with the English and German languages and that the above is a correct and true translation of Document No.C 10.

Eve Glazier.

H1153 - 0062

Exhibit G.B. 109
Filed Dec. 7, 1945

TRANSLATION OF DOCUMENT C-72
OFFICE OF U.S. CHIEF OF COUNSEL.

Supreme Command of the Armed Forces — Berlin, 7 November 1939

WFA/Dept. LI No. 207/39 Top Secret Important Matter — 5 copies
2nd copy
TOP SECRET

Important Matter

Only by hand of Officer

On 7 November the Fuehrer and Supreme Commander of the Armed Forces, after hearing reports on the meteorological and the railway transport situation, has ordered:-

A-day is postponed for the time being by three days. The next decision will be made by 1800 hours on 9 November 39.

signed: KEITEL

Distribution:
OKH
OKM
R.d.L. u. Ob.d.L.
WFA
L

H1153 – 0063

TRANSLATION OF DOC. C-72
(cont.)

Supreme Command of the Armed Forces — Berlin, 10 November 1939

WFA/L I No 208/39 Top Secret Important Matter — 8 copies
2nd copy

Important Matter

Only by hand of Officer — TOP SECRET

On 9 November the Fuehrer and Supreme Commander of the Armed Forces, after hearing a report on the meteorological situation, has decided:-

The earliest date designated for Army is 12 November. The next decision hereon will be made by 1400 hours on 11 November.

signed: KEITEL

Distribution:

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(1)

H1153 - 0064

TRANSLATION OF DOC. C-72
(Cont.)

Supreme Command of the Armed Forces

Berlin, 13 November 1939

WFA/L I No 212/39 Top Secret Important Matter

6 copies
2nd copy

Important matter

TOP SECRET

Only by hand of Officer

On 13 November the Fuehrer and Supreme Commander, after receiving a report on the meteorological situation, has decided:

The next decision on A-day will be made on Thursday, 16 November. A-day therefore definitely not before Wednesday, 22nd November.

The Chief of the Supreme Command
of the Armed Forces

signed: KEITEL

Distribution:

Ob.d.H.	1st copy
Ob.d.M.	2nd copy
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WFA	4th copy
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Important Matter

Only by hand of Officer

(499)

H1153 - 0065

TRANSLATION OF DOC. C-72
(cont.)

Supreme Command of the Armed Forces — Berlin, 16 November 1939

WFA/Dept L I No 214/39 Top Secret Important Matter — 6 copies
2nd copy

Important Matter

TOP SECRET

Only by hand of Officer

1) On 16 November the Fuehrer and Supreme Commander, after hearing a report on the meteorological situation, has decided:-

The next decision on A-day will be made on Monday, 20 November. A-day therefore definitely not before Sunday, 26 November.

The Chief of the Supreme Command
of the Armed Forces

signed: KEITEL

Distribution:-

Ob.d.H.	1st copy
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OKW/L	5th and 6th copy

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TRANSLATION OF DOC. C-72
(cont.)

Supreme Command of the Armed Forces

Berlin, 20 November 1939

WFA/Dept L No 217/39 Top Secret Important Matter

8 copies
2nd copy

Important Matter

TOP SECRET

Only by hand of Officer

On 20 November the Fuehrer and Supreme Commander, after hearing a report on the meteorological situation, has decided:-

The next decision on A-day will be made on Monday, 27 November. A-day therefore definitely not before Sunday 3 December.

The Chief of the Supreme Command
of the Armed Forces

signed KEITEL

Distribution:

OKH	1st copy
OKM	2nd copy
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OKW:	
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Chief L	5th copy
In	6th copy
Ib	7th copy
Ic	8th copy

(501)

H1153 – 0067

TRANSLATION OF DOC C-72
(cont.)

Supreme Command of the Armed Forces

Berlin, 27 November 1939

WFA/Dept L No 219/39 Top Secret Important Matter

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Important Matter

Only by hand of Officer

TOP SECRET

On 27 November the Fuehrer and Supreme Commander has decided:-

1) All mobile units are to be transported immediately to the transit quarters.

2) The next decision on A-day will be made at 1800 hours on 4 December.

3) Earliest date of next A-day 9 December.

The Chief of the Supreme Command
of the Armed Forces

signed: KEITEL

Distribution:

Ob.d.H.	1st copy
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Chief L	5th copy
In - Ic	6th - 8th copy

H1153-0068

 TRANSLATION OF DOC C-72
(cont.)

Supreme Command of the Armed Forces,
Department for National Defence.

Berlin. 29 Nov. 1939.

No 223/39 Top Secret Important Matter.

5 Copies.
2nd Copy.

Important.

TOP SECRET.

Only by hand of Officer.

Enclosed the time-table for the preparations of the attack in the West No 233/39 Top Secret Important Matter, 2nd Copy.

The time table sent on 8 November 1939 under No. 196/39 Top Secret Important Matter to be destroyed. (Marginal handwritten note:- destroyed).

for the Supreme Command of the
Armed forces.

Signed: JODL

Distribution:

Ob.d.H.	1st Copy.
Ob.d.M.	2nd Copy.
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OKW:	
Chief O.K.W.	4th Copy.
Chief WFA.	5th Copy.

H1153 - 0069

Supreme Command of the Armed Forces - Important Matter - Berlin. 29. Nov. 1939.

Department for National Defence - Only by hand of Officer - 10 Copies.
2nd Copy.

No. 233/39 Top Secret Important Matter

TOP SECRET.

Time Table for the Preparation of the Attack in the West

A-Day = Day of Attack.

No.	Time.	Army.	Navy.	Air Force.	Remarks.
1.	A-Day minus 5 1800 hrs	Decision by Fuehrer as to A-Day.			1. Next decision 4.De. 1800 hrs. 2. Attack can be stop. til A-Day minus 1 2300 hrs if disadv n tages will be acce.
2.	A-day mins 1 during the day			Air Force units move to forward airfields.	
3.	A-day minus 1 1200 hrs.	Last moment at which an order of the day by the Fuehrer has to reach the C-in-C of the Army, if it is to reach company commanders before the commencement of the attack (telephone transmission unavoidable)			
4.	A-day minus 1 2300 hrs	Latest moment for stopping the attack			

Distribution:

Ob.d.H.	1st Copy.	OKW :	
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		Ia - Ic	7th - 9th copies
		K	10th Copy.

H1153 - 0070

Supreme Command of the Armed Forces Berlin. 4 December 1939.

WFA/Dept L No 226/39 Top Secret Important Matter 8 Copies.
2nd Copy.

Important Matter

TOP SECRET. Only by hand of Officer.

On 4 December the Fuehrer and Supreme Commander has decided:-

1) The next decision on A-day will be made at 1300 hrs. on 6 December.

2). Earliest date of next A-day 11 December.

for the Chief of the Supreme Command of the Armed Forces

Signed : JODL.

Distribution:

Ob.d.H.	1st Copy.
Ob.d.M.	2nd Copy.
R.d.L. u. Ob.d.L.	3rd Copy.
OKW:	
WFA	4th Copy.
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Iam- Ic	6th - 8th Copies.

H1153 - 0071

 TRANSLATION OF DOC C - 72
(Cont.)

Supreme Command of the Armed Forces

WFA/Dept L No 22 230/39 Top Secret

Berlin, 6th December 1939.

8 Copies.
2nd Copy.

TOP SECRET.

Important Matter.

Only by hand of Officer.

On 6 December the Fuehrer and Supreme Commander has decided:-

1). The next decision on A-day will be made at 1800 hours on 12 December.

2). Earliest dateof next A-day 17 December.

For the Chief of the Supreme Command of the Armed Forces.

Signed: JODL.

Distribution:

Ob.d.H.	1st Copy.
Ob,d,M.	2nd Copy.
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OKW:	
WFA	4th Copy.
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TRANSLATION OF DOC C - 72.
(Cont.)

Supreme Command of the Armed Forces. Berlin, 12 December 1939

WFA/ No 22 /39 Top Secret Important Matter 8 copies.
2nd Copy.

TOP SECRET. Important Matter

Only through hand of Officer.

On 12 December the Fuehrer and Supreme Commander has ordered:-

1.) The next decision on A-day will be made by 1800 hrs on 27 December.

2.) Earliest date of next A-day therefore 1 January 1940.

3.) Christmas leave to be arranged accordingly by the branches of the armed forces.

for the Chief of the Supreme Command
of the Armed Forces

Signed: JODL.

Distribution:

OKH.	1st Copy.
OKM	2nd Copy.
R.d.L. u. Ob.d.L.	3rd Copy.
WFA.	4th Copy.
L.	5th - 8th Copy.

H1153 - 0073

TRANSLATION OF DOC. C - 72.
(cpnt.)

TOP SECRET.

Supreme Command of the Armed Forces. Berlin 27. December 1939.

WFA/ Dept L No 22 244/39 Top Secret Important Matter 8 Copies.
2nd copy.

Important Matter

Only by hand of Officer.

On 27 December the Fuehrer and Supreme Commander has made the following decision:-

In view of the general meteorological situation, the date of the attack is further postponed, as far as can be foreseen by at least a fortnight. The next decision will be made at the latest by 1800 hrs on 9 January.

The Chief of the Supreme Command of the Armed Forces

Signed; JODL.

Distribution.

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OKW:	
WFA	4th Copy.
Chief L.	5th Copy.
Dept. L Ia - Ic	6th - 8th Copies.

(Handwritten note:)
Group W advised by teleprinter 1890 on 27 Dec.

(Handwritten) NOTE:-

According to information I b (H), the above means that the earliest A-day is the 9 Jan. and the latest day for a decision is also the 9. Jan.
Rectification accordingly by Top Secret message No. 2821 on 28 Dec. to Group [illegible]

Initial

(handwritten)

Date	Moon Phase.
2 Jan.	last quarter
9 Jan	new moon
17 Jan	first quarter
24 Jan	full moon
31 Jan	last quarter

H1153 - 0074

TRANSLATION OF DOC. C-72
(cont.)

TOP SECRET

Supreme Command of the Armed Forces

Berlin, 30 December 1939

WFA/Dept L (Ib) No 2224/39 Top Secret Important Matter

To
the High Command of the Navy

Important Matter
Only by hand of Officer

Subject: Skl B No 1 Skl Ie Op. 512/39 Top Secret Important Matter

Re: Clarification of date for A-day

Your interpretation that the earliest date for A-day is now the 9 January, but that the next decision will also be made at the latest by 1800 hours of the same day is confirmed as correct.

Should the attack take place in the period between the 9 January and 14 January 1940, Naval High Command will receive the necessary notification (warning-order) early, i.e. 9 days before the commencement of the attack.

For the Chief of the Supreme Command
of the Armed Forces

signed: JODL

H1153-0075

Supreme Command of the Armed Forces Berlin, 9 January 1940

No 22007/40 Top Secret Important Matter OKW/WFA LI 8 copies
2.copy

TOP SECRET

Important Matter

Only by hand of Officer

A decision on the date of A-day will not be made before 10 January 1940.

For the Chief of the Supreme
Command of the Armed Forces

signed: JODL

Distribution:-

OKH	1st	copy
OKM	2nd	"
R.d.L.u.Ob.d.L.	3rd	"
OKW:		
Chief WFA	4th	"
Chief L	5th	"
Ia	6th	"
Ib	7th	"
Ic	8th	"

(handwritten) Note:-

Has been passed by telephone by I/Skl Io O
9 Jan 40 to A I Group West.

Initial

H1153 - 0076

TRANSLATION OF DOC. C.72
(cont.)

Supreme Command of the Armed Forces Berlin, 11 January 1940

WFA No 22014/40 Top Secret Important Matter Dept L (I) 9 copies
2nd copy

Important Matter

Only by hand of Officer

Re: Contingency "Yellow"

On 10 January 1940 the Foehrer and Supreme Commander of the Armed Forces, after receiving reports from the Commander in Chief of the Air Force, the Commander in Chief of the Navy and the Chief of the General Staff of the Army, has ordered the following:-

1) A-day and X-hour

A-day is Wednesday, 17 January 40. (Wednesday, 17 in ink)
X-hour 15 minutes before sunrise at Aix-la-Chapelle on A-day o
0816 hours. (0816 in ink)

The code-name "Rhine" or "Elbe" (see instruction No 8 for the conduct of the war, dated 20 November 39, No 1, will be issued before 2300 hours on A-day minus 1, provided the weather forecast permits.

2) Employment of the 7th Air Div.

The operation is to be carried through according to the instructions so far given, with the following modification:

For the 7th Air Div., besides the "North" and the "South" drives, a third drive (code-name: "Einsatz fortress") is to be prepared for obtaining possession of the heart of the Dutch fortress. The Supreme Command of the Army makes preparations to enable it to break quickly into the Dutch fortress beyond the goal hitherto designated, i.e. the Maas-Grebbe line, should the "Einsatz fortress" be the order given to the 7th Air Div.

The decision on the "Einsatz fortress" will be made at the latest on the morning of A-day minus 1. The "North" and "South" drives can only be considered if by A-day, a sufficient depth of snow improves jumping and landing conditions near Ghent and along the Maas, which at the moment are fraught with difficulties.

3) Air Force Attack on the Enemy Air Force.

If the weather is suitable, the air force will on 14 January 40 attack with all available forces the majority of the occupied enemy air-fields in northeastern and eastern France by surprise, with the principal aim of destroying the fighter and reconnaissance aircraft stationed there. For this attack, the air force is at liberty to fly across Luxemburg and, as far as necessary, also across Belgian and Dutch territory.

The Chief of the Supreme Command
of the Armed Forces.

signed: KEITEL.

Distribution:

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OKW	
Chief WFA	4th copy
Dept L	5th - 9th copies

H1153 - 0077

TRANSLATION OF DOC.C-72
(cont.)

TOP SECRET

Supreme Command of the Armed Forces — Berlin, 13 January 39.+

WFA No 3/40 Top Secret Important Matter — 5 copies
2nd copy

Re: Contingency "Yellow"

Important Matter

By hand of officer Only

On account of the metereological situation, the Fuehrer has decided to postpone A-day, probably to 20 January 40. Latest time for issue of orders re above is 1800 hours on A-day minus 5.

For the Chief of the Supreme
Command of the Armed Forces

signed: JODL

6015

Distribution:

OKH	1st copy
OKM	2nd "
R.d.L.u.Ob.d.L.	3rd copy
OKW/WFA	4th "
L	5th "

+Translator's Note: The date is a typing error; it is obvious from the context that the correct date is 13 January 40.

H1153-0078

TRANSLATION OF DOC. C-72
(cont.)

Supreme Command of the Armed Forces

Berlin, 7 May 1940

WFA/Dept L No 22 179/40 Top Secret Important Matter

5 copies
2nd copy

Top Secret

Important Matter

Only by hand of Officer

1) The Orders:-

OKW/L No 22 176/40 Top Secret Important Matter, dated 6 May 40 and

OKW/L No 22 177/40 Top Secret Important Matter, dated 6 May 40

are cancelled.

2) The new A-day will be ordered, according to the weather situation, at 1200 hours on A-day minus 1 only. A new X-hour+ will be given accordingly.

Next decision at 1200 hours on 8 May.

For the Chief of the Supreme
Command of the Armed Forces

signed: JODL

Distribution:

Ob.d.H.	1st	Copy
Ob.d.M.	2nd	"
Ob.d.L.	3rd	"
WFA	4th	"
Dept L	5th	"

+ X-hour = zero hour

Supreme Command of the Armed Forces. Berlin. 9 May 1940.

WFA/Dept L No 22 130/40 Top Secret Important Matter 5 Copies.
2nd Copy.

Important Matter

Only by hand of Officer. TOP SECRET.

The Fuehrer and Supreme Commander has decided:-

A-day ... 10 May
X-hour . 0535 hours

The code words "Danzig" or "Augsburg" to reach the branches + of the armed forces by 2130 hours on the 9 May at the latest.

The Chief of the Supreme Command of the Armed Forces

Signed: KEITEL.

Distribution.

Ob.d.H.	1st Copy.
Ob.d.H.	2nd Copy.
Ob.d.L.	3rd Copy.
OKW:	
Chief WFA	4th Copy.
Chief L.	5th Copy.

+ OKH, OKL, & OKM.

- - - - - - 0 0 0 - - - - - -

CERTIFICATE OF TRANSLATION.
OF DOCUMENT C - 72

23 October 1945.

I. Fred NIEBERGALL, 2nd Lt Inf. O-1335567, hereby certify that I am thoroughly conversant with the Englsih and German languages; and that the above is a true and correct translation of Document C - 72.

FRED NIEBERGALL
2nd Lt Inf
O-1335567.

Exhibit G.B. 110
Filed Dec. 7, 1945

T.C. 58.A

H1153 – 0080

Appendix 13.

SECRET INSTRUCTION TO THE COMMANDER OF THE 2ND LUFTFLOTTE FOUND IN A GERMAN AEROPLANE ON JANUARY 10TH, 1940

The following documents were in possession of a Staff Major of the 7th Air Division (parachutist and transport of troops by air - Headquarters at Berlin) who made a forced landing in Belgium on January 10th, 1940. The Major had been attached to Unit, 220 of Troop Transport by Air (Fl.F.220) and, when captured, was flying to Cologne to discuss the scheme at the 22nd Infantry Division headquarters. Our Intelligence had ascertained the 22nd Division as specially trained for landing from the air in enemy territory.

DOCUMENT I

Air Force Command Instructions, 2 .....
File of 17/11/39 to be destroyed(?).....
pp. the Commander-in-Chief of the Air Force
The Chief of Staff
by order

(Signature undecipherable)
Lieutenant-Colonel, General Staff.

To:-

	Copy No.
IV Aviation Corps	1
VIII Aviation Corps	2
7 Aviation Division	3
Commander of Air Carrier No.220 and to 22nd Infranty Division	4
II Anti-Aircraft Defence Corps	5
Headquarters of VI Air Region	6
Headquarters of XI Air Region	7
Reconnaissance Group No.122	8
For the information of:	
GHQ of Air Force	9
B Group of Armies	10
Also to the Air Command	11
Liaison Officers at B Group of Armies ..	12
Army Headquarters, No.6	13
Air Force Command	14
Staff:	
Staff-Commander	15
Chief of Staff	16
Deputy Chief of Staff	17
Intelligence Section	18
Operations Section No. 2	19
A.Q.	20
Officer in Charge of Signals	21
Operations Section No. 1	22
Reserve	23 & 24

British Army here (?) .....
between Douai and Calais. Behind the whole of this zone important operative reserves are held deep in Northern France.

The Belgian Army covers the Liege-Antwerp line with its main force, lighter forces are in position in front on the Meuse-Scheldt Canal and on the frontier.

Only light forces of the Dutch Army are in position south of the Waal.

H1153 – 0081

For weather conditions and information about the enemy: see I c 1 No. 7212/39 Chief of General Staff of 3/11/39.

3. The German Western Army directs its attack between the North Sea and the Moselle, with the strongest possible air-force support, through the Belgo-Luxemburg region, with the object of .....
the largest possible groups of the French Army and of its .....

The fortress of Liege and .....
surrounded (?) .....

Further, it is intended with the help of part of the force (10th Army Corps reinforced by [ ] Cavalry Division), to seize Dutch territory, with the exception of Festung Holland.

5. Composition of Army Group B: see Appendix 2.

6. Co-operating Forces:

(a) The 3rd Luftflotte attacks, with all the weight of its aircraft, the French Air Force on the ground, and prevents it from taking part in land operations.

Later, it prevents the advance of the French Armies moving North-east from their concentration areas.

The 3rd Luftflotte co-operates also with its Northern Wing (1st Avuntion Corps) with Army Group B.

(b) The X Aviation Corps, directly under order from Air Force Headquarters, operates in close co-operation with the naval forces and the F.d Luft against the enemy naval forces and in particular, against the British naval forces.

Its reserves and .....

With regard to home defences against air attack, the chief object is to protect the ground and war industries organisation.

8. Forces. - Disposition of the troops and points to be attacked - see Appendix 1.

9. Reconnaissance.

(a) Air General Headquarters: reconnaissance to the west of the line Le Havre-Orleans-Bourges-Lyon-Geneva.

(b) 2nd Luftflotte: reconnaissance by Reconnaissance Group 122 to the north-west and west of the line Western Frisian Isles-Amsterdam-Antwerp-Brussels-Nivelles (Islands and towns included)

TASK.

(a) Find out the disposition of the enemy Air Force in Northern France and Belgium.

(b) Watch the areas where the British Army is concentrated, detect as quickly as possible any movements from that area towards Belgium in the direction of Brussels-Ghent.

Left Boundary .....
Liege-Charleroi-Valenciennes-Amiens-Dieppe.
(These towns included)

(f) Crossing of the frontier by reconnaissance planes first on the day A at H plus 5 minutes.

12. TASK OF THE VIII AVIATION CORPS:

On the first day of the attack, the VIII Aviation Corps supports with part of its forces a landing operation on the VII Aviation Division (see special order)

Closely co-operating with the 6th Army (main action to the west of Maastricht), it supports the advance of the land forces attacking the fortified line and the streams of the basin of the Meuse and destroys the Belgian Army to the west of that region. Attack against towns and villages during the course of these operations are only permitted if it is absolutely certain that they are occupied by troops.

Its fighter squadrons have to obtain command of the air over the area of attack of the 6th Army.

DOCUMENT 2

APPRECIATION OF THE SITUATION.

1. TERRAIN.

On either side of the Meuse a high plateau with heights rising to .....m. Very uneven, in places great differences in height, ravines.

Clayey ground, medium heavy to heavy. Only sparsely(?) populated. The operational area of the Division is on the whole thickly wooded.

The Meuse itself constitues a marked cleft, deeply cut out. Width of river 100m. Banks rising steeply and mainly wooded. Observation very difficult.

Parachute troops can be dropped everywhere in ..... the bridges.

Air-borne troops can only be landed at points 15 km. west of the Meuse on the line Vitrival, M -----....., Posee.

The country is similar in many respects to that of Freuden..... and troop movements..... not very mobile will be hindered. On the other hand, it lends itself to defence by groups ..... widely separated.

2. LANDING GROUNDS.

Five landing grounds have been reconnoitred. Of these, three are suitable in mild weather (I, III, V), two are suitable only under certain conditions (II, IV). In frosty weather all are suitable. On the whole some ..... 30 percent bad landing conditions as for "Enterprise"(?).

The whole of the landing troops of the division can be engaged.

Time required: Parachuting and landing of the 1st(?) Division.....
a slight frost gives most favourable conditions .....
reducing as much as possible the jump ..... troops.

3. At the cutting of the Meuse, the Division should .....
(objective)..... and keep open .....
Road Bridge of Annevoie.
Road bridge Yvoir (here point of main action)
Bridge Dinant-Namur (north-west .....)

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TC 58A

.....should not be occupied by enemy troops, the landing would at first be unopposed. The landing grounds to the north can, it is true, be shelled by the heavy guns at Namur (15 km) if they should be discovered.

However, enemy attacks from the fortress of Namur must be expected very soon, and also perhaps from Charleroi, Philippeville and Givet.

The chief threat to the division is the arrival of mobile French troops from the line Maubeuge-Hirson-Fumay (40 km), whose advance units can be on the spot in a very short time.

5. This is why it is essential that, from the beginning of the landing operation, large forces of our bomber aircraft should be engaged against enemy concentration on the line Maubeuge-H.....Fumay; against troops and transport moving from that line:

(a) on the road Mons-Charleroi (especially important);
(b) on the road Maubeuge-Beaumont-Philippeville (specially important);
(c) road Philippeville-Givet;
(d) road Fourmies-Chimay-Couvin-Givet;
(e) road Rocroi-Mariembourg-Philippeville-Florennes;
(f) road Rocroi-Fumay-Givet-towards..... Dinant (specially important);
(g) railway Mons-Charleroi ..... (important);
(h) railway Maubeuge.....;
(i) railway Charleroi .....(specially important);
(k) railway PQ.....;
(l) railway ..... Hastiere.....;
(m) Then, for the protection of the Division..... road Marche-Leignon-Ach.....;
(n) road Ciney-Evrehailles.

The area where bombing by our own aircraft is forbidden is bounded by:

road Riviere-Flovette - to a line 4 km south of the Sambre railway(?) Chatelet through Gerpinnes, Florennes, up to road Philippeville-Dinant (this railway is outside the forbidden zone) straight(?) line from the level crossing up to Hermeton (this village outside the zone) - the Meuse up to the Anseremme bridge (bridge included in the zone) - line 4 km east of the Meuse up to Riviere.

6. Up and down movement of troops can best take place - south of Liege - at right angles to the frontier towards the Meuse through Malmedy- Ciney, i.e. by the shortest route in enemy territory.

In the given weather conditions, any detour would only cause inconvenience.

Anti-aircraft defence is insignificant here. On the other hand very strong opposition from enemy fighters must be expected (chiefly French fighters).

The landing and fighting zone of the Division lies also ..... of many French aerodromes. French and British aviation groups also stationed more to the west fly, on their way to the front near .....

The intervention of the Division with more than 600 tons of transport planes and at this spot where the effort will be most felt by the enemy decides the chief point of concentration of enemy aircraft.

The Division is threatened more from the air than from the ground. This is why heavy fighter and fighter aircraft formations are necessary:

a) for the transport, the parachuting and finally the landing (..... very strong protection);
b) supplies;
c) against enemy air attacks (continuously..... and not only according to special orders).

1485.

H1153 - 0083

H1153 - 0084

In this case this protection should be incessant ..... movement and landing. Greater needs in heavy fighters and .....G.....

To satisfy this need..... fighting area should only be 110 km from the frontier(?)..... and should only imply 200 km flight over enemy territory.....

DOCUMENT 3.

..... NAMUR and the immediate vicinuty ..... (21 Art.) and light forces Ard..... between Ourthe (here point of main attack)(..... point) amd the Meuse ..... 2 Cavalry Divisions.

At Charleroi 3rd Regiment of Gendarmerie
French forces ..... are concentrated on the frontier ..... ready to march (to the West of the Meuse)..... Army and parts of the 2nd Army with mechanised cavalry and infantry Divisions. Forward elements in the Givet wedge. To the east of the Meuse positions are in the course of construction along the railway line Namur-Assesse-Ciney-Jemelle.

2. The Meuse itself is only defended by light forces stationed at the bridges. On the Meuse between Namur and the frontier no permanent fortifications Special preparations for demolition and blocking are not known here but are likely.

The region between the Meuse and the French frontier to the west and to the south-west is entirely free from enemy troops.

3. It must be expected that the hostile Walloon populations will wage guerrilla warfare (sharp-shooting from the houses and hedges).

4. The possibility of requisitioning (in order to enable the troops to move rapidly and to keep supplied) should only be considered with reservations owing to the sparsely populated nature of the region.

5. Defence against enemy aircraft in the area of operations of the 7th Air Division (Fl.Div.7).

In the operational area Namur-Dinant- and in the neighbouring region no fighters nor anti-aircraft defence have been detected so far.
Anti-Aircraft guns ..... assumed at Charleroi.

Fighters.
At St. Hubert - 1 Squadron of single-seaters, only at intervals.
Liege - 1 group of single-seaters.
Nivelles- 1 group of single-seaters.
Besides important concentrations of French fighters in Ra ..... Verdun.
.....
.....
Grandmenil (33 km west St.Vith) at intervals.
North of Huy, light anti-aircraft guns.
At St.Hubert heavy anti-aircraft guns at intervals.
(s) Student.
This copy certified correct

PUTTNER (?)
Major, General Staff.

1631.

Exhibit GB 111
Filed Dec. 7, 1945

TC.58

EXTRACT FROM "BELGIUM - THE OFFICIAL ACCOUNT OF WHAT HAPPENED 1939-1940", pages 27-29.

From two o'clock in the morning, the Dutch wireless stations announced, time after time, that aeroplanes going from east to west were flying over various localities in the Netherlands. It was impossible to ascertain the importance and significance of this information, but all the signs pointed in the same direction. The Government decided there and then to introduce a state of siege and to arrest suspected persons in the eastern provinces so as to prevent internal action against our lines of defence.

As the night wore on, there was a fairly long lull. When dawn was about to break, the peace of the capital had not been disturbed.

From 4.30 information was received which left no shadow of doubt: the hour had struck. Aircraft were first reported in the east. At five o'clock came news of the bombing of two Netherlands aerodromes, the violation of the Belgian frontier, the landing of German soldiers at the Eben-Emael Fort, the bombing of the Jemelle station.

While the Minister of National Defence was checking this information, Brussels was suddenly awakened to a radiant dawn at 5.17 a.m. by the mournful sound of the sirens, and soon the windows at the Ministry of Foreign Affairs, where the chief members of the Government were still assembled, were shaken by the firing of anti-aircraft artillery and German bombs dropped on the Evere aerodrome and on several parts of the town.

It was at once decided to appeal to Belgium's guarantors, and this was done.

At 8.30 the German Ambassador came to the Ministry of Foreign Affairs. When he entered the Minister's room, he began to take a paper from his pocket. M. Spaak stopped him: "I beg your pardon, Mr. Ambassador. I will speak first." And in an indignant voice, he read the Belgian Government's protest: "Mr. Ambassador, the German Army has just attacked our country. This is the second time in twenty-five years that Germany has committed a criminal aggression against a neutral and loyal Belgium. What has just happened is perhaps even more odious than the aggression of 1914. No ultimatum, no note, no protest of any kind has ever been placed before the Belgian Government. It is through the attack itself that Belgium has learnt that Germany has violated the undertakings given by her on October 13th, 1937, and renewed spontaneously at the beginning of the war. The act of aggression committed by Germany, for which there is no justification whatever, will deeply shock the conscience of the world. The German Reich will be held responsible by history. Belgium is resolved to defend herself. Her cause, which is the cause of Right, cannot be vanquished."

The Ambassador was then able to read the note he had brought: "I am instructed by the Government of the Reich," he said, "to make the following declaration: In order to forestall the invasion of Belgium, Holland, and Luxemburg, for which Great Britain and France have been making preparations clearly aimed at Germany, the Government of the Reich is compelled to ensure the neutrality of the three countries mentioned by means of arms. For this purpose, the Government of the Reich will bring up an armed force of the greatest size, so that resistance of any kind will be useless. The Government of the Reich guarantees Belgium's European and colonial territory, as well as her dynasty, on condition that no resistance is offered. Should there be any resistance, Belgium will risk the

H1153-0085

H1153 - 0086

destruction of her country and the loss of her independence. It is therefore in the interests of Belgium that the population be called upon to cease all resistance and that the authorities be given the necessary instructions to make contact with the German Military Command."

In the middle of this communication, M. Spaak, who had by his side the Secretary-General of the Department, interrupted the Ambassador: "Hand me the document," he said. "I should like to spare you so painful a task." After studying the note, M. Spaak confined himself to pointing out that he had already replied by the protest he had just made.

Translation of Document 1809 PS
Office of U.S. Chief of Counsel

Copy.

Translations of General Jodl's Diary (Armed Forces Operational Staff) from 1 February to 25 May 1940.

1 February 1940:

The Fuhrer wants Major Kieritz to be sent from here in good time with special mission.

Col. Schmundt and Capt. Deyhle are back from the West.

Results:

1) Morale and discipline - excellent.
2) Tactical mobility is impossible because of the weather. One cannot cover more than 15 km. Army Group B, on the other hand, think the weather excellent for overcoming the difficulty of floods.
3) In all divisions formerly committed in the East, the position with regard to mechanised vehicles is very bad. Up to 40% are lacking. Each of these 40 divisions should be provided with up to 100 vehicles.

1700 hours General Jeschonnek.

1) Behaviour of parachute units. In front of the Hague they have to be strong enough to break in if necessary by sheer brute force. The 7th Div. intends to drop units near the town.
2) Political mission contrasts to some extent with violent action against the Dutch air force.
3) Walcheren Island will have to be occupied as soon as possible.
4) In case of immediate action, further arrangements required.
To be eliminated:
Commitment of K against Eben Emael against bridge C.
"Fieselor Stork" airplane in front of Army Group A.
The ground forces will take up position during the hours of d arkness, if possible.
7th Air Division is to be in readiness, but will not take up position without further orders.
5) Question about general intentions? Time.
6) Is it not possible to tackle H alone; this would be a tremendous improvement from the point of view of those conducting air operations.
7) The Air Force wants permission to attack every kind of merchant shipping in the 30 mile-zone as well as everything anywhere which is armed: French vessels, transports.

2nd February

Fuhrer is furious about performance by Ordnance Department which needed 8 days to demonstrate to him - not by actual trial but only theoretically - that the Czech 4.7 cm anti-tank gun is not usable with armoured car 3.

Fuhrer decides as to Jeschonnek's questions of 1 February:

a) one has to employ against the Hague (d.H.) forces of such strength that they will be able to take over command there.
In order to achieve this, one of the landings can be made in the centre of the Hague.
Unlimited use of arms against airfields and anti-aircraft guns is authorized.
Relative to an attack against all ships found between the English East Coast and the English mine fields, as desired by the Air Force, the Foreign Office is still to be consulted.
Chief of Home Defence (Chef L. Translator's note: WARLIMONT) also Admiral Schuster) 17.00 hrs) states in this matter that he does not want any exception.

H1153 - 0087

H1153-0088

Translation of Document -PS
Office of U.S. Chief of Counsel

February 5 1940

Special staff "Weser Exercise" meets, is welcomed by Chief of Armed Forces High Command, and given instructions. Still no Air Force Representative.

26th February 1940

Fuhrer raises the question, whether it is better to undertake the Weser Exercise before or after case "Yellow".

Chief of Home Defence (Chef L) charged with examining this problem. Fuhrer decides that Navy will have to wait to commence mine-laying from the air until employment of a large force of planes is possible. (transmitted to Chief of Home Defence.)

3rd March 1940

Fuhrer expresses himself very sharply about the necessity of swift entry into Norway with very strong forces. No delay by branches of Armed Forces. Very rapid acceleration of attack is necessary.

Commander-in-Chief of the Air Force is against any proposition to subordinate Air Force units to 21st Army Corps.

Fuhrer decides to carry out Weser Exercise before case "Yellow", with a few days interval.

May 8th:

Alarming news from Holland, cancelling of furloughs, evacuations, road-blocks, other mobilization measures; according to reports of the intelligence service (Abwehrmeldungen) the British have asked for permission to march in, but the Dutch have refused.

According to reports the measures of the Dutch are partly directed against the coast and partly against us. It is not possible to obtain a clear picture, whether the Dutch don't work hand in hand with the English or whether they really want to defend their neutrality against the first attacker. Evaluation of the weather shows slow improvement of the general situation, but development of fog in the next days must still be reckoned with.

Führer does not want to wait any longer.
Field Marshal wants postponement until the 10th, at least.

Chief of the Armed Forces High Command presses for early action. Führer is very agitated; then he consents to postponement until May 10th, which is against his intuition, as he says. But not one day longer.

Departure of Envoy Kiewitz, who was scheduled to leave at 12.57 hours is stopped at the last minute. Is not supposed to leave until May 9th.

In the evening, I agree with him on the various telegrams.

May 9th:

Führer decides that he will definitely make a start on May 10th.
Departure with Führer train at 17.00 hours from Finkenkrug.

After report by Joschonnek that weather situation will be favourable on the 10th, the code word Danzig is given at 21.00 hrs.

The same to Chief of Home Defence (i.e. WARLIMONT)

May 11th - 13th:

The operations take a course favourable beyond expectation. The Dutch offer desperate resistance. Bridges at Maastricht, and all bridges north of it, are blown up. Only the railroad bridge at Gennep falls into our hands undamaged. Fort Eben Emael is taken and the bridges in Mordeyk south of Dortrecht as well as the important ones over the Albert Canal west of Maastricht are taken over by parachutists and glider-borne personnel and are held by them. Airborne operation of the Sponek Division is met by heaviest resistance and is badly mauled. However, the individual units hold out. On the R., the junction of the 9th armoured division with them is effected. The citadel of Liege has been broken into.

Feb 6th:

...New idea: Carry out "H" and "Weser Exercise" only and guarantee Belgium's neutrality for the duration of the war.....

Feb 21st.

Führer has talked with General v. Falkenhorst, and charges him with preparation of "Weser Exercise". Falkenhorst accepts gladly. Instructions issued to the three branches of the Armed Forces.

Proposal by Fromm, to take only units with German equipment. These would be 7th parachute (Flieger) Division, 22nd Division, 1 regiment of 1 Mountain Division, two divisions of the 7th wave, a motorised brigade (rifle brigade 11 with one armoured vehicle).

H1153 - 0089

H1153 - 0090

Feb 28th:

I propose, first to the Chief of OKW and then to the Führer, that case "Yellow" and "Weser Exercise" must be prepared in such a way that they will be independent of one another as regards both time and forces employed. Führer completely agrees, if this is in any way possible.

15.00 hrs - Staff Falkenhorst reports on preparations so far. In this connection, I explain to him the new basis for preparations.

Proposals for forces to be employed for:

N (Norway) 4 parachute companies. 22nd Inf Div or 16th Inf Regt.
2 mountain divisions - 2 divisions of 7th wave.

D (Denmark) 1 corps headquarters. Police division.
1 division of 3rd wave.
L of C division.

It is still under consideration, whether reinforced rifle brigade 11 should go to Group D (task force for Denmark) and then to N (Norway) or straight to N (Norway).

Proposed number of combat planes too high.

Feb 29th:

15.00 hrs. Report of Staff Falkenhorst with Kranke, Bacchenhagen, Kraus very satisfactory to the Fuhrer. He agrees with the proposals.

Fuhrer also wishes to have a strong task force (Gruppe) in Copenhagen and a plan, elaborated in detail, showing how individual coastal batteries are to be captured by shock troops. Warlimont (Chef L) instructed to make out immediately the order to the Army, Navy and Air Force, and Director of Armed Forces, Central Office, to make out a similar order re strengthening the Staff.

Mar. 3rd:

Führer expressed himself very sharply on the necessity of a sift entry into N (Norway) with strong forces.

No delay by any branch of the Armed Forces. Very rapid acceleration of the attack necessary.

C-in-C of the Air Force opposes any subordination of units of the Air Force to 21st Army Corps.

Führer decides to carry out "Weser Exercise" before case "Yellow" with a few days interval.

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5th March.

1500 hours. Big conference with the three Commanders-in-Chief about "Weser Exercise". Field Marshal in a rage because not consulted till now. Won't listen to anyone and wants to show that all preparations so far made are worthless.

Result:
a) Stronger forces to Narvik
b) Navy to leave ships in the ports (Hipper or Luetzow in Trondheim),
c) Christiansand can be left out at first.
d) 6 divisions envisaged for Norway.
e) A foothold to be gained immediately in Copenhagen.

7th March.

Falkenhorst with Commander-in-Chief of the Air Force. The preparations are now taking firm shape. The Führer signs a directive containing all changes subsequent to the conference of March 5th. Nothing is to be changed anymore now.

13 March.

Führer does not give order yet for "W" (Weser Exercise). He is still looking for an excuse.

14th March.

English keep vigil in the North Sea with 15 to 16 submarines, doubtful whether reason to safeguard own operations or prevent operations by Germans. Führer has not yet decided what reason to give for "Weser Excerise". Wrong news report in American Press.

C.in C. of the Navy is doubtful whether it is still important to play the (word missing) in N (Norway). Open to question whether it would not be better to undertake case "Yellow" before "Weser Exercise". Danger that in that case the English would immediately land at Narvik, as we would have been the first to violate neutrality.....

28th March.

The Norwegians are interning U21, seemingly because of maladroit statements of the commander, who did not claim engine trouble but mistaken navigation. But it may also be that a mistake was made in translation. Individual naval officers seem to be lukewarm concerning the Weser exercise and need a stimulus. Also Falkenhorst and the other two commanders are worrying about matters which are none of their business. Kranke sees more disadvantages than advantages.

In the evening the Fuhrer visits the map room and roundly declares that he won't stand for the Navy clearing out of the Norwegian ports right away. Narvik, Trondheim and Oslo will have to remain occupied by naval forces. Bad impression on land forces.

29th March.

Talk with Commander in Chief of the Navy, 1200 hours. Wants decision about use of air mines.

Führer talks to him alone about retention of ships. Admiral of the Fleet (Grossadmiral) rejects Narvik, but wants to examine whether Trondheim cannot be set up as a base immediately.

2nd April.

1530 hours: Commander-in-Chief of the Air Force, Commander-in-Chief of the Navy, and General von Falkenhorst with the Führer. All confirm preparations completed. Führer orders carrying out of the Weser exercise for April 9th.

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4th April

Fuhrer drafts the proclamations. Piepenbrock, Chief of Military Intelligence 1 (Chef Abwehr 1) returns with good results from the talks with Quisling in Copenhagen.

9th April

The surprise effect succeeds in Bergen, Trondheim, Narvik, and from the air in Stavanger. Not at Christiansand and in Oslo.

Bluecher sinks after a heroic fight, Commanding Admiral and Commander 103 (Kdr 103) of it, on deck up to the last moment, swim to land.

Luetzow has to take over lead and lower boats.

Heavy fighting for coastal fortifications. Fortress Christiansand surrendered to attack by planes and Karlsruhe.

19th April

Renewed crisis. Envoy Braver is recalled; since Norway is at war with us, the task of the Foreign Office is finished. In the Fuhrer's opinion, force has to be used. It is said that Gauleiter Terboven will be given a post. Field Marshal (Goering)? is moving in the same direction. He critices as defects, that we didn't take sufficiently energetic measures a gainst the civilian population, that we could have seized electrical plant, that the Navy didn't supply enough troops. The Air Force can't do everything.

21st Mardh

Misgivings of Task Force 21 (= reinforced 21st Army Corps) about the long interval between taking up readiness positions at 05.30 hours and close of diplomatic negotiations. Fuhrer rejects any earlier negotiations, as otherwise calls for help go out to England and America. If resistance is put up, it must be ruthlessly broken. The political plenipotentiaries must emphasize the military measures taken, and even exaggerate them.

Exhibit G. B. 112
Filed Dec. 7, 1945

T.C. 57

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GERMAN ULTIMATUM (MEMORANDUM) TO BELGIAN AND DUTCH GOVERNMENTS OF MAY 9, 1940.

Ref: Dokumente der deutschen Politik, Vol. VIII, I, pp.142-150.

The Reich Government has for a long time had no doubts as to what was the chief aim of British and French war policy. It consists in the spreading of the war to other countries, and of the misuse of their peoples as auxiliary and mercenary troops for England and France.

The last attempt of this sort was the plan to occupy SCANDINAVIA wuth the help of NORWAY, in order to set up a new front against GERMANY in this region. It was only Germany's last minute action which upset this project. Germany has furnished documentary evidence of this before the eyes of the world.

Immediately after the British-French action in SCANDINAVIA miscarried, England and France took up their policy of war expansion in another direction. In this respect, while the retreat in flight of the British troops from Norway was still going on, the English Prime Minister announced that, as a result of the altered situation in Scandinavia, England was once more in a position to go ahead with the transfer of the full weight of her navy to the Mediterranean, and that English and French units were already on the way to ALEXANDRIA. The Mediterranean now became the centre of English-French war propaganda. This was partly to gloss over the Scandinavian defeat and the big loss of prestige before their own people and before the world, and partly to make it appear that the Balkans had been chosen for the next theatre of war against Germany.

In reality, however, this apparent shifting to the Mediterranean of English-French war policy had quite another purpose. It was nothing but a diversion manoeuvre in grand style, to deceive Germany as to the direction of the next English-French attack. For, as the Reich Government has long been aware, the true aim of England and France is the carefully prepared and now immediately imminent attack on Germany in the West, so as to advance through Belgium and Holland to the region of the Ruhr.

Germany has recognised and respected the inviolability of Belgium and Holland, it being of course understood that these two countries in the event of a war of Germany against England and France would maintain the strictest neutrality.

Belgium and the Netherlands have not fulfilled this condition.

They have attempted hitherto to maintain outward appearance of neutrality, but in practice both countries have shown a one-sided partiality for Germany's opponents and have furthered their designs.

On the basis of the evidence before then and particularly of the attached reports from the Ministry of the Interior of the 20th March 1940 and the German High Command of the 4th May 1940, the German Government establish the following:-

1.

Since the outbreak of war the Belgian and the Netherlands Press have even surpassed the English and French papers in their hostile expressions of opinion regarding Germany. This attitude in spite of continuous remonstrances by the German State, they have not altered up to date.

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In addition to this, leading personalities in the public life of the two countries have in the last few months on an ever-increasing scale expressed the opinion that the place of Belgium and the Netherlands is at the side of England and France. Many other occurrences in the political and economic life of Belgium and the Netherlands stress this tendency further.

2.

The Netherlands, in association with Belgian authorities have, most flagrantly infringing their most primitive neutrality obligations, lent themselves to supporting the attempts of the British Secret Intelligence Service to bring about a Revolution in Germany. The organisation, founded on Belgian and Netherlands soil by the Secret Intelligence Service, and enjoying the most widespread support by Netherlands and Belgian quarters even in the highest circles of the civil Service and the General Staff, had no other aim than the removal of the Fuhrer and the German Government, by all and every means, and the setting up of a Government in Germany willing to bring about the dissolution of the unity of the Reich and to assent to the formation of a powerless Federal German State.

3.

The measures taken by the Royal Begian and the Royal Netherlands Governments in the military sphere speak even more clearly. They give irrefutable proof of the real intentions of Belgian and Netherlands policy. They are, further, in most decided contrast to all declarations made by the Royal Belgian and the Royal Netherlands Governments to the effect that they would with all their strength and on every hand prevent any use being made of their territory, either for the marching through of an army or as operational basis on land, on the sea or in the air.

4.

Thus, for example, Belgium has fortified exclusively her eastern frontier against Germany, whilst on her frontier facing France no fortifications have been constructed. Repeated urgent representations made by the German +Government were indeed on each occasion replied to by the Royal Belgian Government with a promise that this state of affairs directed only against Germany would be remedied, but in practice nothing happened and all promises in this direction remained unfulfilled. On the contrary Belgium has until quite recently worked exclusively and unabatedly on the completion of her fortifications against Germany, whilst the western border of Belgium are open to Germany's enemies.

5.

A similarly open and exposed invasion gate-way for the British Air Force is the Netherlands coastal area.

The German Government has continually provided the Royal Netherlands Government with evidence of the infringements of Netherlands neutrality by British aircraft. Since the outbreak of the war British airmen have almost daily appeared over German territory coming from the direction of the Netherlands. One hundred and twenty-seven such British flights over Germany were verified, correct in every detail, and the Royal Netherlands Government were duly notified. Actually, however, the number is much greater, it amounts to many times over the number of the cases notified. Similarly, in all these further instances of flights there is no doubt about it but that the aircraft were British.

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The great number of flights, and the fact that no effective counter measures were taken by the Royal Netherlands Government, clearly show that the Royal Air Force systematically used Netherlands territory as a starting point for their operations against Germany, with the knowledge and indulgence of the Royal, Netherlands Government.

6.

Still more blatant evidence of the true Belgian and Netherlands attitude, however, are the strategic movements of the entire mobilised Belgian and Netherlands troops directed solely against Germany. Whereas at the beginning of September 1939, the Belgian and Netherlands troops were distributed fairly evenly on their frontiers, a short time afterwards, simultaneously with the increasingly closer co-operation between the Belgian and Netherlands General Staffs, and the General Staffs of England and France, the Western frontiers of these countries were completely stripped of troops, and the combined Belgian and Netherlands troops were concentrated on the eastern frontiers of both countries, with their fronts towards Germany.

7.

This massing of Belgian and Netherlands troops on the German frontier was undertaken at a time when Germany had no troop concentrations whatsoever on her frontiers with Belgium and the Netherlands, but when England and France, on the other hand, were forming a strong, mechanised invasion army on the Franco-Belgian border. In other words, Belgium and the Netherlands removed their own troops from these endangered western boundaries to place them on the eastern boundaries, which were entirely free of German troops, at a time when their neutrality seemed increasingly threatened in the west by the attitude of England and France, and by the massing of English and French invasion troops, which would have given them every reason for strengthening their defences there.

Only then did Germany take counter-measures, and then also placed troops on the Belgian and Netherlands borders. The Belgian and Netherlands General Staffs, however, by these sudden measures, contradictory in themselves to every military rule, exposed their true attitude. Their procedure can be understood, however, by the knowledge, that these measures were taken in the closest previous understanding with the English and French General Staffs, and that the Belgian and Netherlands troops never considered themselves to be anything bu the vanguard of the English and French invasion army.

Evidence in the hands of the German Government shows that English and French preparations on Belgian and Netherlands territory for attack against Germany are already far advanced.

Thus for some time already, all obstacles on the Belgian border towards France which might hinder the entry of the English and French invasion army have been secretly removed. Airfields in Belgium and the Netherlands have been reconnoitred by English and French officers and extensions effected. Belgium has made transport facilities available at the frontier and recently advance parties of H.Q. personnel and units of the French and English invasion army have arrived in various parts of Belgium and the Netherlands. These facts, together with further information which has accumulated in the last few days, furnish conclusive proof that the English and French attack against Germany is imminent, and that this attack will be directed against the Ruhr through Belgium and the Netherlands.

The picture of the Belgian and Netherlands attitude, as presented by these indisputable facts, is clear and unequivocal. Both countries, from the outbreak of war, contrary to the statements given out by their governments, secretly placed themselves on the side of England and France, and thus of the

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powers which had decided to attack Germany and had declared war on her. Although the situation was pointed out to the Belgian Foreign Minister in all seriousness several times from German quarters, it did not make the slightest difference.

On the contrary, the Belgian Defence Minister recently made a public declaration in the Belgian Chamber which unequivocally contained the admission that all steps necessary for joint action against Germany had been agreed upon between the General Staffs of Belgium, France and England. If, in spite of this, Belgium and the Netherlands continue to proclaim a foreign policy of independence and neutrality, it can, in the light of established facts, only be regarded as an attempt to conceal the real intentions of Belgian and Netherlands policy.

In this situation, the Reich Government can however, no longer doubt that Belgian and the Netherlands are resolved, not only to permit the impending Anglo-French attack, but to favour it in every way and that the agreements of the General Staffs of these two countries with the General Staffs are designed exclusively to serve this object. The argument put forward on the part of Belgium and the Netherlands that this is not their purpose, but that the very fact of their helplessness has forced them to adopt this attitude towards England and France, cannot be recognised as sound. Above all, it does not alter the facts of the situation for Germany.

In this struggle for existence forced upon the German people by England and France, the Reich Government is not disposed to await submissively the attack by England and France and to allow them to carry the war over Belgium and the Netherlands into German territory. It has therfore now issued the command to German troops to ensure the neutrality of these countries by all the military means at the disposal of the Reich.

The Reich Government add to this announcement the following:

The German troops do not come as enemies of the Belgian and Netherlands peoples; for the Reich Government have neither desired nor brought about this development. The responsibility for it falls upon England and France, who have prepared in every detail the attack against Germany from Belgian and Netherlands territory, and on the Belgian and Netherlands Government departments who have allowed and favoured it.

The Reich Government further declare that Germany has no intention of touching by these measures, either now or in the future, the sovereignty of the Kingdoms of Belgium and the Netherlands, nor the European or extra-European possessions of these countries.

The Royal Belgian and the Royal Netherlands Governments however, have it still in their hands in this last hour to ensure the well-being of their peoples, by seeing to it that no resistance is opposed to the German troops. The Reich Government hereby call upon these two Governments to issue without delay the necessary commands to this effect. Should the German troops meet with resistance in Belgium or in the Netherlands, they will use all means to overcome it. The responsibility for the consequences arising therefrom and for the bloodshed then unavoidable, will have to be borne exclusively by the Royal Belgian and the Royal Netherlands Governments.

Berlin , the 9th May, 1940.

1470.

Exhibit G. B. 113
Filed Dec. 7, 1945

(English translation) TC 60

MEMORANDUM FROM THE GERMAN GOVERNMENT TO THE LUXEMBOURG GOVERNMENT

DATED 9th. May, 1940.

The Reich Government has been reliably informed that England and France, in the course of their policy of spreading the war, have decided to attack Germany in the near future through Belgian and Dutch territory. Belgium and the Netherlands who, long since secretly violating their neutrality, have taken the side of the enemies of Germany, not only do not intend to prevent this attack but to favour it. The facts which go to prove this have been stated in detail in a memorandum which is being handed to the Royal Belgian Government and the Royal Government of the Netherlands a copy of which is enclosed herewith.

In defence against the imminent attack, the German troops have now received the order to safeguard the neutrality of these two countries with all the power at the disposal of the Reich.

The offensive , decided upon bu England and France with the consent of Belgium and the Netherlands will also involve the territory of Luxembourg. To repulse the attack the Reich Government has therefore been forced to extend its military operations to Luxembourg territory also.

It has been known to the Grand Ducal Government of Luxembourg that the Reich was prepared to respect the neutrality and integrity of Luxembourg, provided that the other powers which are neighbours of the Grand Duchy would also take the same attitude. Negotiations for agreements to that effect between the powers concerned, which seemed to be almost completed in the summer of 1939, were then broken off by France. This breaking off of the negotiations by France finds its explanation in the military decisions now taken by her together with the other enemies of Germany, an explanation which does not need any further illustration.

The Reich Government expects the Grand-Ducal Government of Luxembourg to take account of the position created solely by the guilt of Germany's enemies, and to take all the necessary measures to prevent the Luxembourg population causing difficulties to the German military operations. The Reich Government, on its part, gives the assurance to the Grand-Ducal Government of Luxembourg that Germany has no intention, now or in the future, to interfere with the territorial integrity or political independence of the Grand Duchy.

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Part I.
Ex. 111

T.C. 59

TEXT OF THE PROTEST COMMUNICATED BY THE BELGIAN GOVERNMENT TO THE FOREIGN GOVERNMENTS FOLLOWING UPON THE GERMAN AGGRESSION OF MAY 10th 1940

Although Germany has not declared war, the German Army has just crossed the frontier of the Kingdom of Belgium and has attacked the Belgian Army with considerable forces. All the facts and all the documents in the possession of the Belgian Government prove that the aggression was premeditated. No complaint was brought to its notice before the act of aggression. Moreover, therewas nothing in the relations between the two countries, for the most part good, to suggest that a conflict was likely to arise. The Belgian Government protests against this outrage. It points out that for the second time in twenty-five years Belgium has been the victim of an aggression by Germany. In its declaration of October 13th, 1937, the German Government solemnly confirmed its determination in no circumstances to impair the inviolability and integrity of Belgium and stated that "it will at all times respect Belgian territory, except, of course, in the event of Belgium's taking part in a military action directed against Germany in an armed conflict in which Germany is involved", declaring that it was prepared to assist Belgium should she be subjected to an attack or to invasion. On August 26th, in a spontaneous declaration, the German Government solemnly renewed its undertaking of October 13th, 1937. Since making the Declaration in 1937, Germany has on many occasions paid tribute to the correctness of the attitude maintained by Belgium. Public opinion is unanimous in recognizing that the Belgian Government has done everything in its power to avert the scourge of war which threatened Europe. On the eve of the European War, the King of the Belgians, in conjunction with the Heads of other States, and more particularly with Her Majesty the Queen of the Netherlands, took steps to avert the danger. It is sufficient to recall the appeal made from Brussels on August 23rd 1939, on behalf of the Heads of the States of the Oslo Group and the offer of good offices on the 29th of the same month. A further offer of good offices was made on November 7th by the Queen of the Netherlands and the King of the Belgians, with a view to facilitating enquiry into points on which agreement could be reached. During the conflict, Belgium has always observed strict and scrupulous neutrality. She was attacked suddenly at dawn. The aggression was consummated when the Government appealed to the guarantor Powers. Just as in August 1914, Germany violated Belgian neutrality which she had quaranteed in virtue of the treaties of April 19th, 1839, so to-day she has attacked Belgium in contravention of an undertaking contracted in 1937 and renewed in 1939, the validity of which is not open to question. As in 1914, an act of aggression against a neutral State, while not justified in itself, is made worse by the violation of undertakings that had been entered into. This new outrage will deeply shock the conscience of the world. The German Reich will be held responsible by history for the sufferings which this act of aggression will inflict on the Belgian people. Belgium has never accepted servitude. She will suffer her ordeal courageously. The Belgian Army will defend Belgian national territory with all its force, with the help of Belgium's guarantors, who will not fail to fulfil their promises.

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BRITISH DOCUMENT BOOK

No. 4 (ENGLISH)

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